No. 1690

SELECTIONS FROM THE RECORDS OF THE BOMBAY GOVERNMENT.

No. CXXXV.—New Series.

CORRESPONDENCE

REGARDING

CITY SURVEYS

GUJARAT,

UNDER ACT IV., 1868 (BOMBAY).

Bombay:

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1873.

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BALSAR.

1cs

No. 5441 of 1871.

Revenue Department.

To

The SECRETARY to GOVERNMENT,

Bombay.

Púna, 19*th October* 1871.

Sir,

No. 1825, dated 22nd August 1871, with accompaniments.

I have the honour to forward copies of the papers noted in the margin, on the completion of the City Survey inquiry of Balsar. This is the first town settled under the Act, and the financial results may be such as to influence the policy of Government in their concessions to future Municipalities to which the Act may be extended.

2. But, before entering on the financial aspect of the question as evolved from the statements which have been submitted, some of the salient features of the report may be here briefly noticed.

3. The Survey commenced in 1864, but no very energetic measures appear to have been taken till after the application of the Súrat rules by Government Resolution No. 1696, dated 29th April 1868, when the enquiry work was taken up by Mr. Mulock and subsequently completed by Mr. Carey, on whom the chief labour has fallen. It will be observed with pleasure that Messrs. Hope and Beyts acknowledge the tact of Mr. Carey in bringing the work to a satisfactory conclusion.

4. Provident measures have been taken for the widening and straightening streets. The work will now devolve upon the Municipality, who will have to be on the watch for every opportunity to carry out the measures proposed, and when completed, broad streets in place of narrow crooked ones will not be among the least of the benefits derived from the City Survey.

5. Mr. Carey advocates a ground-rent of half a pie per square yard on Gamtalio sites, while Mr. Beyts and Mr. Hope are in favour of a one pie rental. Mr. Carey's plea that the non-agricultural cess will touch the people who occupy these sites, and if a higher ground-rent were charged than absolutely necessary to preserve the Government right might cause dissatisfaction, is worthy of consideration, and as a tentative measure a rental of half a pie may be authorized, or perhaps it may be possible to divide the

sites into 2 classes,—1st class might be assessed at one pie and 2nd class at half a pie. It is also politic to gradually accustom the people at large centres to a tax on building sites in view of legislation in that direction. It will be in the recollection of Government that such a tax, or one very similar, was discussed lately when it became necessary to supplement Provincial Funds by local taxation.

6. The sum realized by the Survey is Rs. 19,350-3-3 besides an annual sum of Rs. 158-4-6. The latter is wholly credited to Government, while of the former Rs. 6,666-13-11 is the share of Government, against Rs. 12,607-8-10 the share of the Municipality, leaving a small balance of Rupees 75-10-5 still outstanding.

7. The total expense of the Survey is set down at Rs. 18,736-5-8, which has been borne by the Municipality and Government, the former contributing Rs. 8,123-0-9, the latter Rs. 10,613-4-11.

8. I can see no just reason for excluding the pay of the Inquiry Officer from the cost of the Survey, but taking it into calculation it will be seen that Government have paid Rs. 10,613-4-11 and in return have received Rs. 6,666-13-11 in cash, and Rs. 158-4-6 annually, this capitalized at 5 per cent. is Rs. 3,165-10-0—together Rs. 9,832-7-11, a difference only of Rs. 280-13-0, and this small loss will be at once made up by the fixing of a rental of a pie or half a pie per square yard, on the Gamtalio sites. The financial results of the Survey must then be considered as satisfactory.

I have the honour to be,

Sir,

Your most obedient Servant,

L. R. ASHBURNER,

Acting Revenue Commissioner, N.D.

No. 1825 of 1871.

From

The COLLECTOR of SURAT,

To

The REVENUE COMMISSIONER, N.D.

Súrat Collector's Office, 22nd August 1871.

Sir,

I have the honour to forward a report by the Extra 2nd Assistant Collector and Enquiry Officer (Mr. Carey) on the City Survey of Balsár, which has now been terminated. The report comes through the Superintendent of Survey, whose remarks are appended.

2. The report possesses special interest from the fact that Balsar is the first town in the Presidency of which the Survey has been completed. The place is moreover one of which there was no City Survey Map made by the Old Survey of 1816-25, and in which consequently there were even fewer safe guards than ordinary for the preservation of the rights of Government.

3. The rates of assessment having been already sanctioned in Government Resolution No. 1696 of April 29th 1868, it remains only to give to those for cultivation the usual guarantee, and to settle the question as to the rate to be imposed on Gamtalio or village site lands which is mooted in Mr. Carey's 6th and 7th paras. As to the latter you are aware that the ordinary rate for building sites in towns is two pies per square yard and that half that rate has been sanctioned for compounds, &c., of a certain area. My own opinion is that the latter rate, which is equivalent to Rs. 24 per acre, is not too much to levy as a ground-rent in the suburbs of a thriving Táluká town. Mr. Carey's opinion, however, deserves careful consideration as that of one who has now had better opportunities, perhaps, than any other person for judging of the condition of our urban populations.

4. The results of the Survey on the basis of Mr. Carey's Appendices (which include the higher Gamtalio rate) are that Government for a final immediate expenditure of at most Rs. 10,613, has secured a present return of Rs. 6,667, besides an income representing at 5 per cent. Rs. 9,600 more—total Rs. 16,267. If however the pay of the Enquiry Officer be excluded, as it should be for fiscal, though not for statistical, purposes, then this benefit has

been secured by a State outlay of Rs. 2,075. Ultimately Government will get Rs. 10,169 in cash and income representing Rs. 16,600,—total Rs. 26,769.

5. The Municipality, on the other hand, for an outlay of Rs. 8,123 has got Rs. 12,609, and may, under the present arrangement, get at some undefined future time a total of Rs. 61,631. This however depends on the sale of all the spare scraps of land in the town, many of which will never be sold at all, and very many more of which will not be so unless the local officers take a considerable interest in the matter for a long time to come. The present value, or sum at which such remotely contingent advantages should be discounted, I have not by me the means of ascertaining.

6. In conclusion, I have much satisfaction in recording that, owing to the tact of Mr. Carey and the other officers who have co-operated with him, the Survey has been carried out without the slightest opposition on the part of the people, or difficulty in collecting the sunnud fees.

I have the honor to be,

Sir,

Your most obedient Servant,

T. C. HOPE,

Collector.

No. 4 of 1871.

From

A. D. CAREY, Esquire,
Extra Second Assistant Collector, Súrat;

To

T. C. HOPE, Esquire,
Collector, Súrat.

City Lands Titles Enquiry Office,
Súrat, 18*th August* 1871.

Sir,

I have the honour to report the completion of operations under the City Survey Act in the town of Balsar.

Duration of proceedings.

2. The Survey was commenced in 1864 and has been going on up to the present time.

Enquiries were held in a few cases in 1868-69, but beyond the settlement of a number of miscellaneous cases arising from applications for permission to build, little was done until 1870. In that and the present years enquiries have been held by Messrs. Mulock and Porteous and by myself, as per margin, the entire time occupied by enquiry work amounting to 16 months for a single officer. The number of appeals is shown in Appendix G.

Names.	No. of Decisions.
Mr. Mulock	478
Mr. Porteous	1,104
Mr. Carey	3,669

Objects of enquiry.

3. The objects of the enquiry were to decide upon the title to possession, without payment of Government land revenue, of all lands held by private persons, and to define the land belonging to Government either liable to assessment, or employed for any public or Municipal purpose. The entire area of the town has in this way been accounted for. The boundaries of all private properties have been fixed, and each holder has been or very shortly will be supplied with a sunnud containing a map of the land corresponding with the plan of the property in the general map of the town—and showing all buildings, wells, large trees, or other permanent objects that were on it at the time of the survey, and how it was enclosed, if at all. The sunnud also contains a specification of the area and boundaries of the property, with the exact dimensions in feet and inches in conformity with the requirements of the Registration Act. Each property bears a separate number by which it is distinguished both in the sunnud and general map, so that the means of identification are complete. Not the least of the incidental advantages of the survey will be the convenience afforded to the public by supplying purchasers and

others with a means of correctly and exactly describing what they buy, a particular in which native deeds, excepting some of quite recent date, are as a rule extremely deficient. All Government land is clearly defined and shown by a distinctive colour in the maps, so that detection of any future encroachment will be easy, while the provisions of the Act supply a complete and ready means of dealing with any such cases when they occur.

Settlement under Gujrát Revenue Survey not interfered with.

4. The enquiry has extended to all lands within the Municipal boundaries, but the settlement of cultivable lands previously made by the Revenue Survey Department in 1868-69 has been simply recorded and in no way interfered with. All particulars relating to the proceedings in that Department which are given here, have been obtained from the Balsar report of the Superintendent (Mr. Beyts) or the Survey Records of the Táluká.

Kiraya lands.

5. In the course of the proceedings a quantity of Kiraya land, that is, land held from Government on a yearly rental by tenants-at-will, has been disposed of according to the principles sanctioned for Broach, so far as circumstances permitted. The land has in part been disposed of in perpetuity, and in part on 99 years' leases. The wholeo f the proceeds of this class of lands has been credited to Government. 4,797½ yards of Kiraya land have been disposed of; 1,946½ in perpetuity for Rs. 2,164-0-11, and the remaining 2,851 yards have been leased for 99 years. The total sum realized is Rs. 4,361-8-11, with an annual quit-rent in future of Rs. 29-11-2.

Gamtalio lands.

6. Within the limits to which the Act has been extended is included a quantity of Gamtalio or village site land occupied by others than cultivators. As Balsar is a town with great advantages of position, possessing a Bunder and a Railway station, which recent Municipal improvements have connected by a good made road, it is an important thing that the Government right of assessment over this class of lands should not be tacitly abandoned, as has occurred for instance in some of the suburbs of Broach, such as Veezulpore. If no assessment whatever be imposed on these lands, it may be difficult to assert the right at some future time, or at the least there is a risk that the attempt to do so may be felt as a hardship. Mr. Beyts in his Report No. 133 of 1870, on the experimental settlements of Balsar, states in para. 109 : "But as fishermen, owners of liquor shops, &c., do not contribute anything towards the expenses of Govenment nor to the Local Funds, I think they should be charged ground-rent for the land their houses stand on." These people formerly paid taxes, such as the 'jaompree vero' or cess of one rupee upon each hut, which the British Government has long

since foregone. It is true that they will be reached by the recently enacted tax on non-agricultural inhabitants of rural districts, but, none the less, it seems to me just and right that a moderate assessment should be placed on Government land actually occupied and enjoyed by them. There is no reason why the village Waneea or Marwaree should not pay a fair rent for the land he occupies. Yet such persons may be found actually receiving rent from others for land they hold free of all charge from Government. These persons, so far as my experience extends, fully recognize the fact that the land they occupy is Government property, and by present rules a stamped agreement to that effect is taken from the holder and kept in the village records every time the properties change hands.

Proposed rate of Gamtulio lands.

7. In my No. 23, dated the 22nd December 1870, to your address, I recommended an assessment of half a pie per square yard, or about Rs. 12-8 per acre, for these lands. By para. 5 of your No. 128, dated the 19th January 1871, you informed me that you would wish an imposition of one pie per square yard, unless I had further grounds to show in favour of my recommendation. I still respectfully retain my former opinion that a rate of one pie will be too high. The assessment will fall not only on the well-to-do Waneea and liquor seller, but on a considerable body of people, such as fishermen, whose resources are by no means large. Most of these properties possess at present hardly any saleable value, from the simple fact of Government having hitherto permitted rent-free occupation, while retaining the ownership, the area thus employed not being so limited as yet as to induce competition for possession of sites. This state of things will be changed as ths town increases in size and importance, and the levy of an assessment will of itself accelerate the process; but the change will be a gradual one, and I think it eminently desirable that the levy should at first be conspicuously light. The passing of Act II. of 1871, supplies another reason for proceeding with caution. While retaining my opinion I have of course adopted the rate of one pie in estimating the probable yield of the assessment. The orders of Government are now awaited on this subject before imposing the assessment.

Improvement of roads.

8. Concurrently with the settlement, an attempt has been made to improve the town by straightening the lines of road and introducing a little regularity in place of the unsightly corners and projections so prevalent in native towns. For this purpose the line the roads are intended to take has been marked out on the various maps, persons whose properties fall back from that

line have been permitted to buy the intervening space at a moderate rate, while those whose properties project beyond the line have in many cases agreed to rectify their boundaries, when so doing involved but trifling loss or expense. In other cases the original boundary has been for the present retained, and it will be for the Municipality in future to lose no opportunity, when houses are taken down to be rebuilt or otherwise as occasion offers, to insist on the adoption of the line. All the pieces of land available in the principal street past the old Thannah have been purchased at an average rate of Rs. 3 per square yard, and in the other important streets a fair number of these side-strips of land have been purchased at prices ranging from Rs. 3 to the minimum of one rupee.

Appendix A.

9. Appendix A gives an analysis of the land of Balsar as finally ascertained by the inquiry.

Results of the survey already accrued.

10. Appendices B, C, D, show the actual financial results of the introduction of the Act up to the present time. The total cost of the operations including pay of the Enquiry Officers, amounts to Rs. 18,736-5-8, of which Government has paid Rs. 10,613-4-11 and the Municipality Rs. 8,123-0-9. The proceeds hitherto realized have been to Government Rs. 6,666-13-11 and in addition Rs. 158-4-6 annually, exclusively of the Rs. 323 awaiting sanction or otherwise as stated in para. 7, while the Municipality have received Rs. 12,607-8-10. This result can hardly be regarded as other than satisfactory.

Anticipated ultimate sults of the City Survey.

11. Appendices E and F are designed to show the whole financial action of the Survey, and its ultimate as well as present results. The anticipated proceeds of the proposed assessment on Gamtulio lands is taken into account in these statements, and Appendix E shows contrasted the Kamal Revenue of Balsar within Municipal limits before and after carrying out the City Survey. The result is an ultimate profit of Rs. 61,631-8-4 to the Municipality, while Government will receive a lump sum recouping the outlay within Rs. 461-13-5, and in addition a permanent annual revenue of Rs. 833-1-1.

12. It thus appears that at present Government have actually secured Rs. 6,666-13-11 and an annual revenue which capitalized at 5 per cent. is worth Rs. 3,165. If to that be added the capitalized value of the proposed Gamtulio rate of one pie the Government realization becomes Rs. 16,301-13-11. The expenditure of Government amounts to Rs. 10,613-4-11, but it is perhaps not unfair to remark that of that sum Rs. 8,598-12-3, the pay of

the Enquiry Officers, is really no additional charge on Government at all, but would have had to be met in any case. The enquiry involved no addition to any establishment of Government, nor were any extra allowances or increased charge in any form incurred. It merely supplied a means of utilizing the services of officers who would otherwise have been unemployed. It is, I think, only just, in comparing the outlay of Government with that of the Municipality, to give weight to the fact that the Municipality had to raise by taxation every rupee they granted towards the support of the Survey, while the demand on Government was really confined to Rs. 2,014-8-4. Taking all these circumstances into consideration, the immediate gain of Government appears much greater than that of the Municipality, who for an actual outlay of Rs. 8,123-0-9 have received Rs. 12,607-8-10. But if the ultimate relative position of the two bodies be considered, it will appear that the profits of the Municipality will in the long run far exceed those of Government. They will receive Rs. 61,631-8-4 against a lump sum to Government of Rs. 10,168-10-11, and an annual revenue which capitalized is worth Rs. 16,661-0-0, or about 26,829-10-11 as against 61,631-8-4. As time goes on, then, the position of affairs will gradually alter in favour of the local body, the eventual largest gainers being the town authorities who, from the slender resources they possessed in local taxation, loyally and intelligently supported the Survey through its somewhat prolonged duration of more than 6 years.

Conclusion.

13. In conclusion, I have the pleasure to acknowledge the uniform kindness and readiness with which every assistance has been supplied to the Enquiry Officers by the Superintendent of Survey (Mr. Beyts), and the Assistant Superintendent in charge of the City Survey (Mr. De Souza). The greatest harmony has prevailed between the offices, and the success of the Enquiry proceedings is in a large measure due to the cordial co-operation of these gentlemen. It is also a pleasure to me to mention that the late Mamlutdars of Balsar (Azum Keshowlal Heeralal and Azum Keshowbhai Nathoobhai) have throughout done their utmost to assist the Survey, and much facilitated operations by explaining the true scope and objects of our proceedings to the townspeople and removing groundless apprehensions from their minds.

I have the honour to be,
Sir,
Your most obedient Servant,
A. D. CAREY,
Extra Second Assistant Collector.

Forwarded through the Superintendent, Gujrat Revenue Survey.

No. $\frac{A}{700}$ OF 1871.

SUPERINTENDENT'S OFFICE,

Súrat, 22*nd August* 1871.

The above report being so very clear and concise upon all the subjects discussed, the undersigned begs to forward it with his approval with but one remark—that much is due to Mr. Carey himself for the satisfactory termination of the City Survey of Balsar.

N. B. BEYTS,

Acting Superintendent, Revenue Survey, Gujrát.

APPENDIX A.

Analysis of the Land of the Town of Balsar.

Total Area within Municipal limits, 60,79,161 square yards, divided into

Roads, Tanks, and other unproductive spaces.	Private property.	Alienated.	Government Land.							
			Official sites, (Railway, Government buildings, &c.)	Waste saleable ground.	Paying full Assessments.		Paying no Assessment.		Let on 99 years lease.	
	Building sites.	Cultivable land paying Salamee.			Building sites.	Cultivable.	Building sites.	Cultivable.	Building site.	Cultivable.
16,22,844	4,11,508	3,83,691	2,49,761	52,176	14,336	27,11,719	3,19,874	3,07,098	4,232	1,922

A. D. CAREY,
Extra Second Assistant Collector.

APPENDIX B.

Proceeds of the Land of the Town of Balsar up to the present time.

Summud Fees.	Miscellaneous Fees, under Act IV. of 1868.	Sale proceeds of land sold in perpetuity.		Sale proceeds of land disposed of on 99 years leases.		Annual Assessment on land let on 99 years leases.		Annual assessment on land decided as Government after enquiry.			Miscellaneous.	Assessment on Government land imposed by Survey Department.	Salamee on Alienated Land.	Total.	
		Square yards.	Rupees.	Square yards.	Rupees.	Square yards.	Rupees.	At one pie per square yard.	At two pies per square yard.	Old Assessment retained.				In a lump sum.	Annually.
3,754	9-8	9,916	10,882-5-3	6,154	4,649-6	6,154	44-1-4	36-7-5	76-1-9	1-10-0	55	5,999-11-0	146-14	19,350-3-3	6,304-13-6

A. D. CAREY,
Extra Second Assistant Collector.

APPENDIX C.

Division of the proceeds of the Balsar City Survey between Government and the Municipality already effected.

Derivable by Government.											Derivable by the Municipality.				
Share of proceeds of land sold in perpetuity.	Sale proceeds of Government Kiraya lands.				Miscellaneous.	Full assessment annually.			Total.		Sunnud fees.	Miscellaneous fees.	Share of sale-proceeds of land sold in perpetuity.	Premia on land disposed of on 99 years leases.	Total.
	In perpetuity.		99 years lease.			At one pie.	At two pies.	Miscellaneous.	In a lump sum.	Annual.					
	Square yards.	Rupees.	Square yards.	Rupees.											
2,250-5-0	1,946	2,164-0-11	2,851	2,197-8	55	36-7-5	120-3-1	1-10	6,666-13-11	158-4-6	3,764	9-8	6,392-2-10	2,451-14-0	12,607-8-10

A. D. CAREY,
Extra Second Assistant Collector.

APPENDIX D.

Expense of the City Survey.

City Survey Office.							Enquiry Office.									
Pay of Survey Officer.		Establishment.		Miscellaneous payable by the Municipality.	Total.		Salary of Enquiry Officers payable by Government.	Establishment.		Miscellaneous.		Total.		Total.		Grand Total.
Payable by Government.	Payable by Municipality.	Payable by Government.	Payable by Municipality.		Payable by Government.	Payable by Municipality.		Payable by Government.	Payable by the Municipality.	Payable by Government.	Payable by the Municipality.	Payable by Government.	Payable by the Municipality.	Government.	Municipality.	
650	719-7-10	770-7-5	6,001-5-2	789-7-2	1,420-7-5	7,510-4-2	8,598-12-3	594-1-3	317-0-0	...	295-12-7	9,192-13-6	612-12-7	10,613-4-11	8,123-9-0	18,736-5-8

A. D. CAREY,
Extra Second Assistant Collector.

APPENDIX E.

STATEMENT showing the entire effect of the City Survey and its ultimate as well as present results.

Before City Survey.					After City Survey.																							
Government land subject to full assessment.	Salamee on alienated land.	Rent of Kiraya land.	Nugdee.	Total.	Sunnud and miscellaneous fees.	Proceeds of land saleable in perpetuity at a minimum of one rupee per square yard.		Sale proceeds of land disposable of on 99 years' leases.		Annual assessment of land disposable of on 99 years' leases.		Assessment under Act IV. of 1868.			Assessment of one pie per square yard on Gaumtulio land.		Assessment under Guzerat Revenue Survey.			Total.		Profit on City Survey.		Share of Government in the profit stated in columns 23-24.		Share of Municipality in a lump sum.
						Square yards.	Proceeds.	Square yards.	Proceeds.	Square yards.	Proceeds.	At one pie per square yard.	At two pies per square yard.	Kiraya land retained at old rates.	Square yards.	Proceeds.	Cultivable land subject to full assessment.	Salamee on alienations.	Nugdee.	Once for all.	Annually.	Once for all.	Annually.	Once for all.	Annually.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
5,999-11-0	146-14-0	73-11-6	54-7-9	6,274-12-3	3,797-8-0	21,297	22,383-5-3*	45,027	45,619-6-0*	45,027	469-0-6	36-7-5	76-1-9	1-10-0	62,123	323-8-11	5,999-11-0	146-14-0	54-7-9	71,800-3-3	7,107-13-4	71,800-3-3	833-1-1	10,168-10-11	833-1-1	61,631-8-4

* Rather more than one rupee per square yard has been realized on the land already disposed of.

A. D. CAREY,

Extra Second Assistant Collector.

APPENDIX F.

Division of ultimate profits of City Survey, between Government and the Municipality.

Total Proceeds.			Total Cost.		Result.					Total Profit.	
Derivable by Government.		Derivable by the Municipality.	Payable by Government.	Payable by the Municipality.	Government.				Profit to the Municipality.	Annual.	Once for all.
					Annual.		Once for all.				
Annual.	Once for all.				Profit.	Loss.	Profit.	Loss.			
833 1 1	10,168 10 11	61,631 8 4	10,613 4 11	8,123 0 9	833 1 1	...	...	462 13 5	53,508 7 7	833 1 1	53,045 10 2

A. D. CAREY,
Extra Second Assistant Collector.

APPENDIX G.

Appeals.

Number of petitions presented.	Decisions reversed.	Decisions modified.	Decisions confirmed.	Remanded for further fresh enquiry.	Pending.
29	2	2	18	1	6

A. D. CAREY,
Extra Second Assistant Collector.

No. 5508 OF 1871.

REVENUE DEPARTMENT.

Bombay Castle, 2nd November 1871.

Before passing orders in this case, Government desire to know what lands have been included in, and what have been excluded from, "Gaumtulia" (village site) liable to assessment as the property of Government, and on what principle the division has been made. From one or two expressions used in the correspondence, it appears doubtful whether all land held by agriculturists has not been excluded from liability to assessment; if so, the principle is entirely wrong, as Mr. Carey himself admits that such land is fully understood to be the property of Government, and that the usufruct only is the cultivator's.

(Signed) H. E. JACOMB,

Under Secretary to Government.

No. 7 OF 1871.

MEMORANDUM.

With reference to the Collector's Endorsement No. 2379, of the 10th instant, forwarding, for report, a Memo. No. 5508, dated the 2nd instant, from the Under Secretary to Government, Revenue Department, Mr. Carey has the honour to state that all land in the village site held by cultivators has been excluded from "Gaumtulia" liable to assessment. The total occupied uncultivated area of "Gaumtulia" within the Municipal limits of Balsar is 3,19,874 square yards, as shown in column 8, Appendix A to the report, while the area entered in column 8, Appendix E, as liable to assessment is only 62,123 square yards, the balance of 2,57,751 square yards being held by cultivators. The land held by agriculturists was excluded after consultation with the Superintendent of Survey (Mr. Beyts), not because any doubt was entertained that Government is owner of the land, but for the following reasons:—

(1.) The land constitutes the "Kacha" or homesteads of the cultivators, and under orders from Government cultivators were permitted at the late revenue settlement to hold rent-free

Kacha up to one acre of which they had previously been in possession, at the same time all lands so held in excess of one acre were formed into "Wara" numbers and assessed.

(2.) These homesteads attached to the cultivators' buildings having been thus confirmed, to place an assessment on them now under the City Survey Act, would in effect amount to an enhancement of the survey assessment within the period of the thirty years' guarantee.

2. In the event of any cultivator in future being found to be in possession of more than the one acre allowed, the one pie assessment might be imposed instead of as at present cultivation rates. The former would be the higher. Any such land alienated from the holding by a cultivator to whom it has been confirmed should also be subjected to assessment at the same rate.

(Signed) A. D. CAREY,
Assistant Collector.

Extra 2nd Assistant Collector's Office,
Súrat, 15th November 1871.

No. 2423 OF 1871.

Balsar, 21st November 1871.

True copy forwarded to the Revenue Commissioner, with reference to his No. 5810 of the 7th instant.

(Signed) W. RAMSAY,
First Assistant Collector in charge.

No. 6280 OF 1871.

REVENUE DEPARTMENT.

Násik Districts, Camp Tisgaum, 5th December 1871.

Forwarded to Government, with reference to the Under Secretary's Memo. No. 5508, dated 2nd November 1871. The Gaumtulia cess cannot be placed on the one acre plots, allowed

to cultivators rent-free at the time of the survey settlement, but excess land and land alienated by the cultivator out of the one acre allowed may be treated as suggested by Mr. Carey.

L. R. ASHBURNER,
Acting Revenue Commissioner, N. D.

No. 124 OF 1872.

SUPERINTENDENT'S OFFICE,
Camp Godra, 23rd January 1872.

MEMORANDUM.

With reference to the Chief Secretary's endorsement No. 6230 of the 12th ultimo, the Superintendent, Revenue Survey and Assessment, has the honour of observing that the points upon which, it would appear, he is required to report, are—

Mr. Carey's paras. 6 and 7 : Mr. Hope's para. 3.

1*st*.—As to the amount to be levied as ground-rent from parties other than cultivators living in the Balsar Gaumtulia, within Municipal limits; and—

2*nd*.—What rate should be levied from cultivators residing within these limits, who may hereafter be discovered to be holding unassessed "Kacha" land in excess of an acre, the maximum area allowed at the survey settlement to those who have hitherto enjoyed the right.

2. With regard to the rate to be levied from non-agriculturists, the undersigned is very respectfully of opinion that half a pie per square yard, as recommended by Mr. Carey, is ample. This rate is Rs. the acre. It is probable that from $\frac{1}{20}$th to $\frac{1}{10}$th of an acre is about the size of the largest of the plots held by non-agriculturists, so that the tax would be Rs. 0-10-1 in the former and Rs. 1-4-2 in the latter. As the little plots surrounding the huts of fishermen and poor people generally are probably often less than $\frac{1}{40}$th of an acre, the tax leviable would be very small indeed, but quite sufficient to preserve Government rights. It would in fact be little more than a pepper corn rent.

3. With regard to the assessment of any excess of "Kacha" held by cultivators whose rates have been guaranteed, the Superintendent begs to remark that such cases will be very rare, as few, if any, can have escaped the scrutiny of the City Surveyor.

4. There would certainly appear to be an objection to levying the town rate on any land (now held in excess as "Kacha") which may be hereafter discovered, because the guarantee to the

cultivators extends to the "Warra" numbers. If "excess" is found before the settlement, it is made into a "Warra number" and assessed at survey rates, it should therefore *cæteris paribus* be treated after the settlement, if any such should be discovered.

C. J. PRESCOTT,
Superintendent, Revenue Survey and Assessment,
Gujrat.

Through the Revenue Commissioner, N.D.

No. 678 OF 1872.

REVENUE DEPARTMENT.

Camp Sanund, 5th February 1872.

In re-submitting this correspondence, with reference to the Acting Chief Secretary's endorsement No. 6230, of the 12th December 1871, the Revenue Commissioner has the honour to observe that the nature of "Kacha" lands appears to him to have been somewhat misunderstood. He considers it to be precisely similar to the Wargee and Purdi of the Deccan, that is to say, compounds attached to houses to serve the purposes of a farm-yard in England, but occasionally used for tobacco planting or garden or some petty cultivation. It so happens that in the Southern Talukas of Súrat, cultivators' residences are often constructed in the middle of patches of ground of this description, and Government when they were pleased to grant exemption from assessment for an area not exceeding an acre, gave it *quâ* farm yard and not *quâ* building site. It does not in any way follow that a cultivator who had no farm yard attached to his house was guaranteed exemption for the site of the latter. This is shown by the houses of those villages which are built in streets or in continuous rows having been measured in block and not separately.

2. Applying this principle to the case of cultivators inhabiting houses in the town of Balsar, the former cannot claim exemption from any municipal rate on building sites imposed by the City Survey on the ground of "Kacha" having been allowed to go unassessed at the survey settlement, the sites of their houses being in reality not "Kacha," and not having been, the Revenue Commissioner believes, recorded as such in the village books. Any land so recorded, and used by cultivators for the usual purposes to which "Kacha" is put, might have the same privilege extended to it as similar land in other villages, and

any excess over the one-acre limit that may be discovered might, in the Revenue Commissioner's opinion, be assessed at full cultivation rates until applied to building or other non-agricultural purposes, when the full building rates should be levied.

3. The Revenue Commissioner concurs with Mr. Hope that the rate of one pie per square yard, equivalent to about Rs. 25 per acre, would not be too heavy for a thriving town possessing the advantages that Balsar has.

4. The results of the survey and enquiry, as given in the correspondence, appear to have been particularly satisfactory, and will probably be found to be as remunerative in agricultural towns where there has been no previous survey, such as those alluded to in para. 2 of Mr. Hope's letter No. 1825, of the 22nd August last, in which there may be large unoccupied or cultivated plots such as exist in Súrat and Balsar. This must not, however, be considered any criterion of what the results of similar operations may be in closely built non-agricultural towns such as Tanna or Poona.

A. ROGERS,

Revenue Commissioner, N. D.

City Surveys.

No. 858.

REVENUE DEPARTMENT.

Bombay Castle, 26th February 1872.

Letter from the Revenue Commissioner, N. D., No. 5,441, dated 19th October 1871—Submitting, with his remarks, a report by Mr. A. D. Carey, Extra Second Assistant Collector, Súrat, on the completion of the City Survey Enquiry of Balsar, together with the remarks of the Superintendent, Gujrat Survey, and Mr. Hope, Collector of Súrat, both of whom acknowledge the tact of Mr. Carey in bringing the work to a satisfactory conclusion.

Memorandum from the Revenue Commissioner, N. D., No. 6,280, dated 6th December 1871.

Memorandum from the Superintendent, Gujrat Revenue Survey, No. 124, dated 23rd January 1872—Submitting, as requested in Government memorandum No. 6,230, dated 12th December last, a full report on Mr. A. D. Carey's memorandum.

Memorandum from the Revenue Commissioner, N. D., No. 678, dated 5th February 1872—Submitting the above, with his own observations.

RESOLUTION.—The total cost of these very successful operations has been Rs. 18,736; towards which Government have contributed Rs. 10,613, and the Municipality, Rs. 8,123; whilst the returns to both are very satisfactory.

2. The rent for "gamtuleo," or village site lands, is for the first ten years to be fixed at one pie the square yard; and on full consideration of all the facts, Government think that the lands in the village site, held by cultivators, have been rightly excluded from "gamtuleo" liable to assessment.

3. His Excellency the Governor in Council fully concurs in the commendation that has been bestowed on Mr. Carey for the careful and successful manner in which he has carried out these operations; and Mr. Hope also is entitled to great credit for establishing and working out the system of City Surveys, which has in Gujrat been attended with such good results.

E. W. RAVENSCROFT,
Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N. D.,
The SURVEY and SETTLEMENT COMMISSIONER, N. D.,
The ACCOUNTANT GENERAL,
T. C. HOPE, ESQ., C.S.

RANDER.

No. 8 of 1872.

To

M. J. M. SHAW-STEWART, Esq.,
Acting Collector.

Extra Second Assistant Collector's Office,
Camp Jehangirpoora, February 17th, 1872.

Sir,

I have the honour to submit a report on the settlement of the Town of Ránder under the City Survey Act of 1868.

2. The provisions of the Act were applied to the town by Government notification on the 15th June 1869. The Municipality having voted the necessary funds, the survey of the town was commenced in August 1870, and maps were ready for the Enquiry Officer by April 1871.

Duration of Proceedings.

3. The enquiry has been carried on from 13th April to 13th June 1871, and again from 18th October 1871 to the date of this report, a total of about six months. The work has been done by myself, with the exception of 38 cases settled by Mr. Whitworth. The number of appeals is shown in Appendix G.

Town of Ránder.

4. The Town of Ránder is very compact, and contains but little unoccupied waste land, and none of the 'gamtulio' or village-site land referred to in my report on Balsár. The houses are, as a rule, well and substantially built, while the streets are, with a few exceptions, exceedingly narrow and irregular. The best parts of the town are occupied by the large Sunnee-Borah population, an enterprizing race, mostly engaged in trade with China, Burmah, Siam, the Mauritius, Ava, and other places. As might be anticipated, the value of the land is very high in the quarter of the town occupied by these people. The rent of dwelling-houses in Ránder is on the whole much higher than in Surat. The Shráwaks constitute the most powerful section of the Hindoo community, while the poorest part of the town is the southern end, chiefly inhabited by Mussalmans (as opposed to Borahs). Seven cotton-ginning factories have been established on the outskirts of the Kusba. From the smallness of the area of claimed open land, the work of enquiry has been on the whole of a more simple and easy character than either at Surat or Balsár.

Improvement of Roads.

5. The area of land available for sale is comparatively small, and very little has as yet been sold. Lines have been drawn, as in Balsár, to fix the boundaries of the streets, and the plots of land to be sold for the

improvement of the roads marked off. Firm and constant attention on the part of the local municipality are required to carry out the projected improvement of the streets. The lengthy operations in Balsár gave people time to understand the object of these lines, and to become accustomed to their being insisted on as one of the fixed principles of the municipal administration of the town. As a consequence, the streets in Balsár have already been much improved, and similar efforts will, I doubt not, produce the same result in Ránder. These strips of land are of high value, and in several of the main streets, *e.g.*, Wakharblee, Taiwara, Limrablee, Mochee-wara, &c., will be sold at a sacrifice, if a lower price than Rs. 5 per square yard be accepted. But the streets, as a rule, require widening, and it is only by never neglecting to put back to the line any house taken down to be rebuilt that the municipality, with the limited means at its disposal, can hope eventually to secure a satisfactory system of roads.

6. Appendix A gives an analysis of the land of Ránder as finally ascertained by the enquiry.

Present result of City Survey.

7. Appendices B, D, and E show the actual financial results of the introduction of the city survey up to the present time. The total cost amounts to Rs. 8,857-3-6, including the pay and allowances of the Enquiry Officer. Of this sum, Government have paid Rs. 4,218-1-2 and the municipality Rs. 4,639-2-4. The proceeds hitherto realized have been Rs. 4,980-8-0 and an annual sum of Rs. 1-9-0 to the municipality, and next to nothing (Rs. 1-4-2) to Government.

Disposal of proceeds of occupancy sales of waste land.

8. This, however, is wholly exclusive of the sale proceeds of waste land, money realized for which is in accordance with your instructions now held in deposit pending the final orders of Government for its disposal. I trust that Government may see fit to place Ránder on the same footing as Balsár in this matter. The effect of a contrary decision would be to take away from the local body all incentive to aid sales by the various means in their power, *e.g.*, a municipality carrying out improvements is often able to do so in such a way as to increase the value of adjoining waste land, and would be much more likely to think of and arrange for this, if a portion of the resulting increased value were its own. On the other hand, all widening of the streets—a much-needed and expensive work in Ránder—has to be done at municipal expense, and it seems but fair that the municipality should in return be allowed a share of the price paid for road-side strips which it may be desirable to sell for the improvement of the streets, more espe-

cially as such strips in many cases cannot be sold until the opposite houses are put back to the straight line. The municipality were obliged to raise a loan in order to provide funds for the survey at all, and will feel hardly treated if less generously used than Surat and Balsár.

9. I would with diffidence suggest that a fair way out of the difficulty might be found by granting the occupancy proceeds of waste lands to the municipality on the conditions: (1) that all expenditure, excepting the allowances of the Enquiry Officer, be repaid to Government, and (2) that the municipality undertake to steadily introduce the new lines for the roads as occasion offers. The total expenditure on the part of Government would then amount to Rs. 3,938-10-11, which would be partially recovered from the Government share of sale proceeds of waste land, while the profits of the municipality would be reduced by Rs. 279-6-3.

Appendices C and F.

10. Appendices C and F are framed to show the entire financial action of the survey at one view, and its ultimate as well as present results. In these statements credit is taken for the price to be realized for waste land available for disposal on 99 years' lease or by out and out sale. In Appendix C the extent and probable price to be realized for the roadside strips of land is shown in columns 5 and 6. I have no doubt whatever that a considerable portion of this may be very speedily realized, but of the rapid disposal of the land to be leased I am by no means certain. As Government have fixed one rupee as the minimum below which land is not, except in very special cases, to be parted with, it has been assumed that that rate will be obtained, but, in my opinion, no such price will be realized for the land in its present condition, at all events for many years.

11. Appendix F shows by comparison the Kamál of Ránder before and after the city survey—(1) if Government take all the proceeds of waste land when realized, and (2) if the municipality be allowed the same privileges as have been granted in Surat and Balsár.

Conclusion.

12. I have again to acknowledge the willingness and courtesy with which every assistance has been given me by the Assistant Superintendent in charge Ránder City Survey (Mr. DeSouza). The maps supplied me by his department have been clear, and generally accurate and satisfactory, while the survey registers have also been carefully prepared. Great assistance has also been afforded by Goolam

Moostapha, the Secretary to the Municipality of Ránder, who has throughout done all in his power to facilitate the operations of both survey and enquiry.

I have the honour to be,

Sir,

Your most obedient Servant,

A. D. CAREY,

Extra 2nd Assistant Collector.

Through the Superintendent, Gujrát Revenue Survey.

APPENDIX A.

Analysis of the Land of the Town of Ránder.

Total Area within Municipal limits 1,995,577 square yards, divided into									Remarks.
Roads, Tanks, and other unproductive spaces.	Private Property.		Government Land.						
	Building sites.	Cultivable land paying Sulamee.	Official sites (Government buildings, &c.)	Waste saleable building ground.	Paying full assessment.		Paying no assessment.		
					Building sites.	Cultivable.	Occupied village building sites.	Unoccupied cultivable Sirpurtur.	
741,586	379,045	650,333	2,061	49,069	121	152,218	3,599	17,545	As on Feb. 1st, 1872.
74[illegible],6[illegible]4	37[illegible],185	6[illegible],333	2,061	48,929	621	146,239	3,[illegible]81	23,474	As on March 1[illegible], 13[illegible]

APPENDIX B.

Proceeds of the Land of the Town of Ránder up to present time.

Sunnud Fees.	Miscellaneous Fees under Act IV. of 1868.	Sale proceeds of land sold in perpetuity.		Annual assessment on land decided as Government after enquiry at two pies per square yard.	Assessment on Government land imposed by Gujrát Revenue Survey Department.	Sulamee on alienated land.	Total		Remarks.
		Square yards.	Rupees.				In a lump sum.	Annually.	
4,977	3-8-0	150-11-0	535-8-0	2-13-2	292-8-0	228-15-0	5,516-0-0	523-4-2	No land has yet been disposed of on 99 years' leases.
5,025	8-8-[illegible]	290-11-0	1,152-4-7	6-7-6	292-8-	* 233-3-0	6,185-12-7	532-2-	* F[illegible] After [illegible]

APPENDIX C.

STATEMENT showing the entire effect of the City Survey and its ultimate as well as present results.

Before City Survey.			After City Survey.											Profit on City Survey.		Remarks.
Full assessment on Government land.	Sulamee on alienated land.	Total.	Sunnud and Miscellaneous Fees.	Proceeds of land saleable in perpetuity at an average of Rs. 2-8-0 per square yard.		Sale proceeds of land disposable of on 99 years' leases.		Annual assessment on land disposable on 99 years' leases.	Assessment under Act IV. of 1868.	Assessment under Gujrát Revenue Survey.		Total.		Once for all.	Annually.	
				Square yards.	Rupees.	Square yards.	Rupees.			Full assessment.	Sulamee on alienations.	Once for all.	Annually.			
263-6-0	226-12-0	490-2-0	5,054-8	5,228	13,070	43,841	43,841	456-10-10	2-13-2	263-6-0	228-15-0	61,965-8	951-13-0	61,965-8	461-11-0	
[illegible]	236-12-0	478-2-0	5,033-8	5,228	13,070	43,841	43,841	456-10-10	6-7-6	2[illegible]-6-0	233-3-0	61,944-[illegible]	947-11-4	6[illegible],944-8	460-9-4	

APPENDIX D.

Cost of the City Survey.

City Survey Office.								Enquiry Office.						Total.		Grand Total.
Pay of Survey Officer.		Establishment.		Contingent payable by the Municipality.	Estimated amount required for printing sunnuds and completion of work payable by Municipality.	Total		Pay and allowances of Enquiry Officers payable by Government.	Establishment.		Contingent payable by the Municipality.	Total.				
Payable by Government.	Payable by Municipality.	Payable by Government.	Payable by Municipality.			Payable by Government.	Payable by Municipality.		Payable by Government.	Payable by Municipality.		Payable by Government.	Payable by Municipality.	Payable by Government.	Payable by Municipality.	Grand Total.
...	...	...	3,160-15-7	340-12-4	831-2-1	...	4,332-14-1	3,938-10-11	279-6-3	224-3-9	82-0-6	4,218-1-2	306-4-3	4,218-1-2	4,639-2-4	8,857-3-6
[illegible]	[illegible]	80	3,837-13-8	27[illegible]-7-2	134-0-0	80	4,[illegible]2-4-10	3,[illegible]5-1-1	3[illegible]	[illegible]-3-4	84-14-0	4,218-1-2	42[illegible]-1-4	4,298-1-2	4,6[illegible]	8,954-7-[illegible]

APPENDIX E.

Division of proceeds of the City Survey between Government and the Municipality as already effected.

Derivable by Government.			Derivable by the Municipality.					Sale proceeds of land sold in perpetuity at present held in deposit.	Grand Total.	Remarks.
Full assessment annually at two pies per square yard.	Total.		Sunnud fees.	Miscellaneous fees.	Rent at ten pies per square yard.	Total.				
	Once for all.	Annually.				Once for all.	Annually.			
Rs. a. p.		Rs. a. p.	Rs a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1 4 2		1 4 2	4,977 0 0	3 8 0	1 9 0	4,980 8 0	1 9 0	535 8 0	5,516 0 0 Annually 2 13 2	If the Rs. 535-8-0 now held in deposit be divided, as in Surat and Balsár, the share of Government will be Rs. 46-14-0 and that of the Municipality Rs. 488-10-0.

APPENDIX F.

Ultimate Results of the City Survey as between Government and the Municipality when (1) *Government take all occupancy proceeds of waste land, and* (2) *when Ránder is admitted to the same privileges as have been conceded to Surat and Balsár.*

Total Proceeds.				Total Cost.		Result.						Total Profit.		Remarks.
Derivable by Government.		Derivable by the Municipality.				Government.				Profit to the Municipality.				
						Annual.		Once for all.						
Annual.	Once for all.	Annual.	Once for all.	Payable by Government.	Payable by the Municipality.	Profit.	Loss.	Profit.	Loss.	Annual.	Once for all.	Annual.	Once for all.	
461-11-0	469-9-4	1-9-0	5,054-8-0	4,218-1-2	4,639-2-4	461-11-0	.....	52,692-14-10	.....	1-9-0	415-5-8	463-4-0	53,106-4-6	If all occupancy proceeds are credited to Government.
	56,911-0-0	0-10-0	5,033-8-0	4,298-1-2	4,656-6-2	469-9-4		52,612-14-10		0-10-0	377-1-10	470-3-4	52,990-0-8	
461-11-0	469-9-4	1-9-0	60,285-8-0	4,218-1-2	4,639-2-4	461-11-0	.....	.....	2,537-7-2	1-9-0	55,646-5-8	463-4-0	55,646-5-8	If all occupancy proceeds are credited to the Municipality.
	1,680-10-0	0-10-0	60,264-8-0	4,298-1-2	4,656-6-2	469-9-4			2,617-7-2	0-10-0	55,608-1-10	470-3-4	5,608-1-10	

A. D. CAREY,
Assistant Collector.

APPENDIX G.

APPEALS.						
Number of Petitions presented.	Decisions reversed.	Decisions modified.	Decisions confirmed.	Remanded for further enquiry.	Pending.	
10	2	.....	2	1	5	

A. D. CAREY.
Assistant Collector.

No. 713 of 1873.

To

L. R. ASHBURNER, Esq., C.S.I.,
Revenue Commissioner, Northern Division.

Camp Tarkesar, 12*th March* 1873.

Sir,

I have the honour to submit Mr. Carey's report on completion of the Ránder City Survey. This report is dated February 17th, 1872, but was handed over to me by my *locum tenens*, Mr. Shaw-Stewart, when I resumed charge from him on the 26th of November last, with the remark that he had deferred dealing with it till he "could say with some approach to correctness that the work was in a complete state, but every day shows that much is still to be done."

2. I have gone carefully into the question, and find that such minor matters of survey and enquiry as were standing over a year ago have now been completed. I have in some cases added to Mr. Carey's tables figures in red ink, showing the state of the account on March 1st, 1873, and the report is now in all respects ready for the orders of Government.

3. The characteristic feature of Ránder, as compared with Surat and Balsár, is that the town is more compact. Hence the claimed open land was less, and the survey and enquiry were simplified proportionably. For the same reason the vacant saleable land is, less also, but, on the other hand, what there is, is more valuable. The houses also are both smaller and more numerous, and the sunnud fees have consequently amounted to a larger sum. Finally, Ránder has no valuable kiráyá lands belonging to Government, as Balsár had.

4. The characteristic feature of the City Survey of Ránder is, that having been commenced last of all the surveys, with a well-trained staff and an Enquiry Officer of Mr. Carey's experience, the whole operation has been completed in one year and a half. Hence, although this rapidity of completion did not leave time, as Mr. Carey explains, for the sale of much land, there has already been an actual excess of cash receipts over cash expenditure.

5. Considering, to begin with, merely the cash question, and deferring the apportionment of receipts between Government and the Municipality, the results are as per margin, and the profit 31 per cent. on the outlay. This is, of course, exclusive of the salary of the Enquiry Officer, which amounts to Rs. 3,938, and is omitted because it is a mere paper debit, which Government have concurred with me in treating as a set off against the future gain to Government from the right of re-assessment and resale of occupancy of lands leased for 99 years.

Receipts.	Rs.	a.	p.	Charges.	Rs.	a.	p.
Sunnud Fees ...	5,033	8	0	Government...	359	6	3
Land Sales	1,152	4	7	Municipality..	4,656	6	2
Rents capitalized	405	15	0				
Total.. ...	6,591	11	7	Total.....	5,015	12	5

Collector's No. 2946 of December 31, 1872, paragraphs 15 and 16.

Government Resolution No. 584 of January 31, 1873, paragraph 2.

6. The nature of the Ránder receipts, and the points in which they differ from those of Balsár, shown in Mr. Carey's report No. 4, of August 18th, 1871, and Government Resolution No. 858, of February 26th, 1872, will be apparent from the following table:—

	Balsár.			Ránder.			In Ránder.	
	Past.	Future.	Total.	Past.	Future.	Total.	More.	Less.
Land Sales—								
In perpetuity.....	8,642	11,577	20,219	1,152	11,918	13,070	...	7,149
On 99 years' leases...	2,452	40,970	43,422	...	43,841	43,841	419	...
Kiráyá Lands sold—								
In perpetuity.....	2,164	...	2,164	...	...	...	...	2,164
On 99 years' leases...	2,197	...	2,197	...	...	...	...	2,197
Fees for Sunnuds, &c.	3,819	...	3,819	5,034	766	5,800	1,981	...
Rents capitalized ...	4,528	17,898	22,426	406	11,416	11,822	...	10,604
Total.....	23,802	70,445	94,247	6,592	67,941	74,533	...	19,714

It will be observed that in the case of both towns Mr. Carey has estimated the future proceeds of land sold on lease at one rupee per square yard. The improbability of this rate being fully realized has been pointed out as to Balsár in paragraph 5 of my No. 1825, of August 22nd, 1871, and Mr. Carey notices it as to Ránder in paragraph

11 of his present report. At the same time it is difficult to fix on a really reliable rate, and it is obvious that the very reduced one of 8 annas per square yard lately adopted for Surat in my No. 2946, of December 31st, 1872, might not be suitable, because in Surat all the best lands have already been sold, whereas in the other towns they have not. I propose to adopt ten annas presently in my estimate for Ránder.

7. The cost of the Ránder survey contrasts with that of Balsár as per margin. No charge has been made for the services of the Surat Survey Officer as yet, but I think that Government should be credited on this account with a lump sum of Rs. 300.

	Balsár.			Ránder.			Less in Ránder.
	Government.	Municipal.	Total.	Government.	Municipal.	Total.	
Survey Officer ...	650	719	1,369	...	...	...	1,369
Establishment—							
Survey	770	6,001	6,771	80	3,858	3,938	2,833
Enquiry	594	317	911	279	339	618	293
Miscellaneous...	...	1,085	1,085	...	459	459	626
Total.....	2,014	8,122	10,136	359	4,656	5,015	5,121

The contrast, though in favour of Ránder, is not so much so as these figures seem to imply, for it will be seen, from a comparison of Mr. Carey's Appendix **A** for the two towns, that the area of Ránder is only one-third of that of Balsár. The private property, building sites, and the waste saleable ground, however, are about the same in both. On the whole there can be no doubt that the survey of Ránder has been done better and cheaper, as well as far more promptly, than that of Balsár. The salaries of the Enquiry Officer are omitted for the reason above stated, but I may mention that they come to Rs. 8,599 and Rs. 3,938 in the two cases, thus confirming the above conclusion.

8. Ránder possesses no anomalies of local tenure requiring the orders of Government, as Balsár did. The only question now to be decided is that held in abeyance for future consideration by Government Resolution No. 5944, of November 25th, 1871, namely, how the proceeds are to be apportioned between the Municipality and Government. As the case now stands, Government have spent Rs. 359 in cash, and are getting or will get the rents capitalized as worth Rs. 11,803, as also the Rs. 300 in cash mentioned in the last paragraph. The Municipality have received the Rs. 5,034 of sunnud fees, and will have disbursed Rs. 4,956, including the above Rs. 300. The Rs. 1,152 of proceeds of land sales are held in deposit pending the settlement of the whole question.

9. It is obvious that if Government take the whole past and future sale proceeds, the Municipality will be barely re-imbursed their principal, and will lose the interest on it, though they advanced it, when Government would not, in full expectation of a good return. They will also lose the incentive to improvement of the town on which Mr. Carey very justly dwells in his 6th and 9th paragraphs, and as it is not likely that the taluka officials can take their place in this duty, the town and Government income will suffer, and the former will have a certain right to complain of being treated differently from all the other surveyed towns. On the other hand, it is clear that the absence of kiráyá lands in Ránder places Government at an unusual disadvantage, and necessitates a special arrangement of some sort.

10. The result of applying the rule of the other towns to Ránder, which is what Mr. Carey recommends in his 10th paragraph, would be that eventually Government would get Rs. 13,438 of cash and capitalized rents—chiefly the latter—while the Municipality would obtain Rs. 61,049, though at an indefinite period. This would be nearly as unfair to Government as the opposite course described above would be to the Municipality.

11. On the whole I beg to suggest that one-fourth of the sale proceeds of land be taken by Government and three-fourths by the Municipality, who should also keep the sunnud fees they now receive. The effect of this is shown below in the form adopted for Surat in my No. 2946, of December 31st, 1872:—

Receipts.	Cash.	Rents Capitalized.	Total.	Expenditure.	Enquiry.	Survey.	Total.
Government—				Government—			
Past	90	387	477	Past	279	80	359
Future	11,253	11,416	22,669	Future... ...	...	...	...
Total ...	11,343	11,803	23,146	Total ...	279	80	359
Municipality—				Municipality—			
Past	5,033	19	5,052	Past	424	4,232	4,656
Future	29,893	...	29,893	Future... ...	...	300	300
Total ...	34,926	19	34,945	Total ...	424	4,532	4,956
Grand Total ...	46,269	11,822	58,091	Grand Total ...	703	4,612	5,315

After allowing for capitalization at 25 per cent., instead of 20 per cent., this result corresponds generally with that of Balsár, where the eventual Government and Municipal shares are Rs. 26,828 and Rs. 61,631, and the operations were termed by Government "very successful." It is also pretty similar to that of the survey of

Ahmadabad, where I find, from Government Resolution No. 6356, of December 24th, 1872, that the respective shares will be Rs. 2,15,691 and Rs. 4,40,120. In both cases the comparison is somewhat in favour of Ránder as regards the proportion to be assigned to Government. I trust that Government will approve of this proposal, and permit me to adjust accordingly.

12. The future administration of the sales of land, in which Government has so large an interest, is a matter requiring serious attention in all cases. I find that next to nothing has been done in this respect in either Balsár or Ránder during the past year, and in Surat there has been little progress. In the two first-named places even the records are neither in proper order nor in trustworthy custody. I propose shortly to report on the general question, and mention it here merely to show that it has not been overlooked.

13. In conclusion, I have much pleasure in endorsing the commendation of the Survey Department, contained in Mr. Carey's last paragraph, and trust that Government will notice favourably his own tact and energy to which the completion of the enquiry without the slightest popular opposition is in a great degree owing. Mr. Whitworth, who is mentioned in para. 34 of Government Resolution, No. 4390, of September 3rd, 1872, was only at Ránder for a few days.

I have the honour to be,

Sir,

Your most obedient Servant,

T. C. HOPE,

Collector

No. 498 OF 1873.

Superintendent's Office, Camp Tarkesar,
Taluka Mándvi, 13*th March* 1873.

MEMORANDUM.

The accompanying report on the completion of the Ránder town survey and enquiry into titles, Mr. Hope has kindly forwarded through the undersigned.

2. The Superintendent can add nothing to Mr. Hope's clear and concise statement of the financial effect of the operation, which is in every respect satisfactory.

3. It is to be remarked that the operations in Ránder were undertaken after the plan of survey and enquiry had been fully matured and tested, and after both the Survey and Enquiry Officers had had great practical experience in Surat not only in the ordinary routine work, but in the administration of the rules and preparation of the records. This will in some measure account for the work in Ránder having been completed more rapidly in proportion than in other towns and cities, where the operations were commenced before the officers employed understood fully the magnitude of the work, and before the inhabitants had become aware that a minute survey and record of rights adds considerably to the value of town property, both public and private.

4. There is no doubt that the Municipality and the inhabitants of towns generally are fully alive to the value and importance of a survey, and it would appear that, as a financial measure, a survey is more profitable in proportion in small towns than in large cities.

(Signed) C. J. PRESCOTT,
Superintendent, Revenue Survey and Assessment, Gujrát.

No. 2235 of 1873.

To

THE SECRETARY TO GOVERNMENT,
Revenue Department, Bombay.

Matheran, 13th May 1873.

SIR,

No. 713 of 12th March 1873, with accompaniments.

I have the honour to forward a report by Mr. Hope on the completion of the Ránder City Survey. It has been done in a comparatively short space of time owing, perhaps, chiefly to the greater ease and facility with which Mr. Carey, who was the Enquiry Officer, was able to work after the considerable experience he had gained in Surat and Balsár.

2. If the cost of the Enquiry Officer is included in the calculation, the financial result of the survey on the 1st March shows a loss of Rs. 2,362. If it is excluded, as Mr. Hope contends it should be, it shows a gain of near Rs. 1,600. A good deal may be said on both sides of the question, whether this item should be included or excluded. On behalf of excluding it is urged the fact that, if the officer was not employed on that particular work, he would be employed in some other department, and

the cost to Government would be the same. But it is manifest that by following out this principle it could be shown that the cost of the Covenanted Officers in the Revenue and the Judicial Departments is nil. It could be said, Government bring out a certain number of civilians for the general business of the country, some of them are employed in the Revenue Department, others in the Judicial, and others in Miscellaneous Departments, but as they would have to be paid their salaries, no matter in what department they worked, the department in which they may happen to be should not be charged with their salaries, and, *ergo*, the cost of that department is nil so far as covenanted supervision is concerned. But as Mr. Hope says Government have consented to exclude this item the Ránder survey shows a profit, as I have said, of Rs. 1,600.

3. The proceeds of land sales appear to have been held in deposit pending settlement of the question whether they should be entirely appropriated by the Municipality or a part should be assigned to Government. In all towns in which City Surveys are in progress these proceeds are taken entirely by the Municipality, and they are in fact the consideration on which Municipalities have been induced to undertake the cost of the survey. But in some towns, as at Ahmadabad, where the returns from the survey are distant, Government have consented to pay a part of the establishment. Mr. Carey proposes that the usual rule should be followed, but Mr. Hope considers that Government should take one-fourth of the sale proceeds. There appear to be two ways of settling this question. Government may charge the whole cost of the survey, including the cost of the Enquiry Officer, to the Municipality, and reserving to itself the two-pie rental on every square yard, leave all other proceeds to be taken by the Municipality, or, as Mr. Hope suggests, take as much from the sale proceeds of land as will fairly remunerate Government for the expense to which they have been put. In the former case Government would, at no expenditure whatever, obtain a present annual rent of Rs. 12-14-6, and a further prospective rent of Rs. 456-10-10 per annum on the 43,841 square yards available for lease on terms of 99 years. In the latter case Government would bear the charge of the Enquiry Officer and establishment which it has already paid, Rs. 4,298-1-2, and over and above the two-pie rental, which belong to Government under the original conditions of the establishment of City Survey, receive from the Municipality a sufficient interest on this sum from the proceeds of land sales.

4. Mr. Hope points out that if Government take one-fourth of the proceeds of land sales they will eventually receive Rs. 13,343, and it must be obvious that to receive that sum in return for an expenditure of Rs. 4,298, is to drive rather a hard bargain with the

Municipality. I would therefore suggest that the Municipality be required to repay Government the above sum of Rs. 4,298, with interest at 5 per cent. in six instalments, at intervals of six months, and let the Municipality take the whole of the sale proceeds, sanad fees, &c., with the exception of the two-pie rental. I propose a term of three years for the recovery of the above sum to let the Municipality meet the instalments, as far as possible, from City Survey Receipts.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) L. R. ASHBURNER,

Revenue Commissioner, N. D.

No. 1420 OF 1873.

To

L. R. ASHBURNER, ESQ., C.S.I.,

Revenue Commissioner, N.D.

Surat Collector's Camp, Teethul, 29th May 1873.

SIR,

I have had the honour to receive the copy of your letter to Government, No. 2235, of 13th instant, regarding the Ránder Survey, and although it has been sent to me for the special purpose of being printed, I trust that you will excuse my making the following remarks.

2. I have never in any correspondence advocated the exclusion of the pay of the Enquiry Officer on the grounds stated in para. 2, which obviously produce a *reductio ad absurdum.* What I have said was that Government having at a particular time happened, by miscalculation, to bring out a much larger number of civilians than was really required for the general business of the country, such *extra* civilians must be paid, whether they worked or did nothing (as actually happened in some cases), and that, therefore, their employment as Enquiry Officers was not an actual extra charge arising from such work which Government could justly set off against cash expenditure by Municipalities in an adjustment of account.

3. In the case of Ránder, however, I have not even alluded to the above argument, sound as it appears to me to be, but have based the exclusion of the Enquiry Officer's salary on the ground on which Government have already excluded it in the case of Surat, viz., that it was more than covered by the future gain to Government, from the right of re-assessment and resale of occupancy of lands leased for 99 years, which nowhere is shown in figures in the calculations.

4. In para. 3 I would respectfully point out that there is some misapprehension. In no town has the Municipality ever undertaken the *whole* cost of the survey in return for the sale proceeds of occupancies. In every town, and not in Ahmadabad alone, Government have paid a portion (*vide* G. R. No. 3921, of November 14th, 1867).

5. The effect, however, of the adoption of the proposal in para. 3 will be to treat Ránder on a principle radically different from that applied to every other town in Gujrát, resulting in Government being not only placed *gratis* in possession of the two-pie rental, capitalized at Rs. 11,803, but being recompensed the pay of the Enquiry Officer, whom they *must* have paid in any case owing to the excess of civilians, and whom they have not charged to any other town. It is true that in lieu of the charge of Rs. 4,298 for the Enquiry Officer, you propose to surrender the fourth of land sales, amounting to Rs. 9,708 (not Rs. 13,343, but Rs. 11,343, *minus* Rs. 1,635 for assessment capitalized), but then the former is to be paid in cash *with interest* within three years, while the latter would have accrued *pari passu* with the profits of the Municipality.

6. The original arrangements with the Municipalities were made on the principle of allowing each party to receive a certain equitable proportion of the returns. My proposal to give Government in this case one-fourth of the land sale proceeds arose from the accident that in Ránder these proceeds bore a different proportion to the remaining benefits to that in other towns, and was a mere adjustment of the inequality in justice to Government. I would very respectfully submit whether, under the above explanation, it might not be perhaps better to allow it to stand than to introduce a system which, while differing from that in force elsewhere, will hardly benefit the Municipality as desired.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) T. C. HOPE,

Collector.

City Surveys.

No. 4598.

REVENUE DEPARTMENT.

Bombay Castle, 12*th August* 1873.

Letter from the Revenue Commissioner, Northern Division, No. 2235, dated 13th May 1873.—Submitting, with his remarks, one from the Collector of Surat, No. 713, dated 12th March 1873, with its enclosed report by Mr. Carey, on the completion of the Rander City Survey.

Memorandum from the Revenue Commissioner, Northern Division, No. 2592, dated 5th June 1873.—Submitting one from the Collector of Surat.

Letter from the Collector of Surat, No. 1705, dated 24th June 1873.—Submitting explanation on certain points referred to in Government memorandum No. 3332, dated 11th idem.

RESOLUTION.—In consideration of the cost of the Enquiry Officer being borne by Government, one-fourth of the sale proceeds, both past and future, should, as suggested by Mr. Hope, be paid over by the municipality.

2. Government are not prepared to admit their liability to pay the salary of Enquiry Officers under all circumstances and in all towns, but in this case it is not necessary to pursue the question further.

3. The other proposals made by Mr. Hope, including those for fixing the estimate of the proceeds that will be derived by the sale of lands on lease at ten annas the square yard, are approved.

4. His Excellency the Governor in Council has much pleasure in again recording his satisfaction at the very successful manner in which Mr. Carey has, under Mr. Hope's able direction, conducted this enquiry.

F. S. CHAPMAN,
Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.,
The COLLECTOR of SURAT,
The SURVEY and SETTLEMENT COMMISSIONER, N.D.,
The SUPERINTENDENT, GUJRAT REVENUE SURVEY,
The ACCOUNTANT GENERAL.

SURAT

Maps.

No. 1539.

GENERAL DEPARTMENT.

Bombay Castle, 13*th October* 1863.

Letter from the Revenue Commissioner, N.D., No. 2662, dated 14th September 1863.—Intimating his having ordered a Survey of the City of Surat, in view to the preparation of an accurate map on a sufficiently large scale, and that a portion of the expense will be borne by the Municipality, and the disbursement on the part of Government will be only the amount fairly due to the Government land included in the Survey.

RESOLUTION.—Mr. Ellis' proceedings to be approved.

(Signed) J. RICHEY,
Officiating Under-Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.
The CIVIL PAYMASTER.

CIRCULAR.

No. 1368 OF 1865

REVENUE DEPARTMENT.

To

THE COMMISSIONER IN SIND.
THE REVENUE COMMISSIONER, N.D.
THE REVENUE COMMISSIONER, S.D.

Bombay Castle, 25*th July* 1865.

SIR,

I am directed to communicate the following decision of Government regarding the right of municipalities to sell the occupancy of all lands within municipal limits, and to appropriate the proceeds arising therefrom.

2. Under no circumstances can a relinquishment of existing imperial revenue be sanctioned. But His Excellency the Governor in Council will not object to the appropriation by municipalities of the proceeds derived from the sale of the right of occupancy of gubhan, on the understanding that any rent that may hitherto

have been paid, or any rent leviable from similar ground in the neighbourhood, be duly paid to Government. Should there be no means of determining the latter point, the Collector will impose such rent as in his judgment may be fair and reasonable.

I have, &c.,

(Signed) H. E. JACOMB,
Under-Secretary to Government.

Municipal Matters.

No. 801.

GENERAL DEPARTMENT.

Bombay Castle, 21st April 1866.

Regarding the right of Municipalities to sell the occupancy of all lands within municipal limits, and to appropriate the proceeds arising therefrom.

Memorandum from the Revenue Commissioner, N.D., No. 1643, dated 13th April 1866.—Submitting, for orders, a letter from the Collector of Ahmedabad, in which he inquires, with reference to Government Circular No. 1368, dated 25th July 1865, whether he is correct in presuming that paragraph 2 of the circular has reference only to *building* sites, and not to waste land liable to pay imperial revenue when taken up for cultivation; and stating his own opinion that he presumes that the order referred to applies to ground for cultivation as well as building sites.

RESOLUTION.—The Revenue Commissioner's view is correct.

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

No. 862.

EXTRACT from the Proceedings of the Government of Bombay, in the Revenue Department, dated 28th February 1867.

Read the following papers :—

Letter from A. Rogers, Esq., Revenue Commissioner, N.D., to F. S. Chapman, Esq., Chief Secretary to Government, Bombay, No. 448, dated 30th January 1867.

I have the honour to submit, for the sanction of Government, two sets of rules drawn up by Mr. Hope, the Acting Collector of Surat, for the assessment of, and enquiry into, titles to land in

that town. They are based in their main principles on the rules sanctioned for Ahmedabad, with amendments rendered necessary by local circumstances.

2. With regard to the rules for assessment. It will be seen that in Sections 1 to 3 great care has been taken to define the relative positions of the Revenue Authorities and the Municipality. This is required in consequence of some kind of idea being entertained by the Municipal Commissioners, from the matter not having been properly explained by former Collectors, that the Municipality have acquired some sort of control over the *modus operandi* on account of the expense of the survey being partly borne by them. I trust that Government, in their reply, will see fit to pronounce their emphatic confirmation of the principles now laid down.

3. The maximum rate for dry crop land cultivated or culturable, but not built on (Section 5), has been fixed at 13 rupees in consultation with the Superintendent of Survey, and with regard to the rate for similar land in the adjacent Taluka of Chowrasee, for the revision of assessment in which a proposal has been submitted to Government with my letter No. 220, of the 17th instant. The rate of two pies per square yard for land not applied to agricultural purposes is that sanctioned for Ahmedabad, the balance of ten pies making up one anna in the case of lands temporarily let out being reserved (Section 11) to the Municipality as the estimated interest of the upset price of the occupancy, the right to the proceeds of the sale of which is granted to them by Section 8.

4. In connection with Sections 6 and 9, Mr. Hope brings to notice an error that has crept into the Survey Administration of Ahmedabad, in consequence of which the decision in Government Resolution No. 3381, of the 24th September last, has also been passed under a misapprehension of the real state of the case. The demand of Government on land not applied to agricultural purposes having been fixed at two pies per square yard, the amount assessable at that rate on land subjected to the Summary Settlement cess should be one-eighth of that sum, or quarter pie, and not one pie and a-half, which is one-eighth of one anna, the rate per square yard made up of the two pies of rent due to Government, and ten pies, the estimated interest of the upset price of the occupancy bestowed, only in cases where the occupancy is saleable, on the municipality. Now the mere fact of any land being subjected to the Summary Settlement presupposes that the land is already in somebody's occupancy, and therefore the occupancy is not saleable; consequently, the municipality have no right to any portion of this, and the Summary Settlement cess has hitherto been

levied wrongly. I have accordingly the honour to suggest that the Government Resolution referred to be cancelled, and the Collector of Ahmedabad directed to correct the procedure with regard to this description of land. I am sorry that in handing on the correspondence on the subject I was misled by the rate of assessment now levied, of the mistake in the imposition of which I was not aware.

5. The provision in Section 12 is very necessary in cases where small strips of land, valuable only to the owners of the adjacent houses, may be left for disposal along the sides of main roads.

6. The remainder of the assessment rules are clear and explicit, and appear to require no further remarks from me.

7. With regard to those for enquiry into titles it is necessary to premise that a great deal of the discontent with respect to the proceedings of the survey in the town that has lately been manifested is traceable to the exaggerated rumours spread abroad, partly by interested parties, of what is intended to be done, and the absence of a recognized standard of enquiry. This the present rules will effectually supply, but even their application will require the exercise, on the part of the officer appointed to the duty, of unusual tact and discretion. With a view to the nomination of a competent Assistant to carry out Mr. Hope's instructions in this respect application has already been made to Government in my No. 80, of the 10th instant.

8. It will be seen that the lands of the town are divided for the purpose of enquiry into titles into three chief classes, viz., (1) those vacant, and (2) those noted as occupied in the old survey map, and (3) those to which the title of Government is undisputed. This map was made at the time of the former Revenue Survey of Gujrát in about A.D. 1821, and is on a sufficiently large scale to admit of changes that have taken place since its construction being detected. It therefore affords a very satisfactory basis on which the present enquiry may be founded.

9. Considering the lax way in which I know from experience leave for the erection or reconstruction of buildings has been granted in Surat, some of the Commissioners occasionally not taking the trouble to verify what was put before them in respect to such matters by their Secretary, or Darogahs, I think the provision made that lands under the heads A to E may be confirmed on production of written permits, except in cases of obvious error or fraud, is amply liberal; the defective title presumable in consequence of such lands not being marked as in occupation at the

time of the old survey is allowed to be cured by the leave given on what at the best must have been a very imperfect enquiry. I quite concur in the proposals with respect to lands appropriated without such leave.

10. The cases that may come under Class F are those which will require the most delicate treatment, and the spirit in which the Collector proposes to deal with them is undoubtedly the correct one. Owing to the terrible destruction of house property that has frequently overtaken the town from fire and flood, cases under this class and under heading H will be numerous, and occupy much time in disposal. The sooner the enquiry is commenced, however, the better, as attempts are already being made to get up false claims to open spots of land by extemporising the remains of old buildings upon them.

11. A clear understanding on the rule for lands coming under heading G will do much to put a stop to the prevailing uneasiness in the town. I beg to point out that it will be necessary for the Survey Department, before they can issue any sunnud containing an accurate plan of premises, to enter upon them in such a manner as to take internal as well as external measurements, as, for instance, in the case of houses having party walls. Lest any doubt should arise as to the authority of the Survey Officers to do this under the provisions of the Bombay Survey Act, I think it would be advisable if Government were to rule to that effect. It appears very probable that after such a survey as that proposed has been carried out it will be found that no one will buy or sell house property in the town unless the title is supported by entries in the survey register and accurate plans of the premises.

12. I was very doubtful of the propriety of the proposed ruling with regard to the first chief class of lands to the effect that when they are claimed under sales by the Civil Court which may have taken place within five years the claimant should obtain proof of the previous owner's title, until Mr. Hope explained to me that a provision of the kind had been found absolutely necessary in Ahmedabad in order to guard against collusive sales, that is to say, sales in which defendants in suits (true or got up) might point out, and have sold through the Courts as their property, land to which they really had no claim. It will, perhaps, be as well to adopt the rule, but permit the Collector to relax it in exceptional cases.

13. The remainder of the rules appear to be such as may be sanctioned without hesitation.

14. As there are several cases relating to lands along the new Delhi Gate road which are awaiting settlement previous to the sale of the right of occupancy, I have authorized the Acting Collector to proceed with them on the general principles of the proposed rules pending receipt of the sanction of Government to their being acted on permanently.

RULES FOR ASSESSMENT.

1. Government has the sole right to levy a permanent annual assessment on lands of whatever description which may be assessable.

2. The Revenue Authorities possess sole jurisdiction in all questions of assessment. The Officers conducting the Survey enquiries into titles and assessment are subordinate solely to the Revenue Authorities. The Collector is their immediate superior, excepting that the Surveying Officer will be immediately subordinate to the Superintendent as regards the scientific portion of his duties.

3. All land, whether before or after assessment, will be primarily in the sole charge of the Collector, but the Municipality shall perform on his behalf, and subject to his general control, the duty of preventing encroachments on roads, or Government apportioned land.

4. The term for which rates of assessment will now be fixed is 99 years, commencing from August 1st, 1867. Leases granted at any subsequent date will be of proportionably less duration.

5. There will be two rates of annual assessment—

(1.) For land cultivated or culturable, and not built upon. The maximum rate for dry crops will be Rs. 13 per acre, on a scale having a maximum of 24 annas. Proportionate rice and wet crop rates will be fixed, the whole being imposed by the Survey Department in the usual manner.

(2.) For land not applied to agricultural purposes, which is assessable under Section 35 of Bombay Act I. of 1865. The permanent assessment of such land payable to Government will be two pies per square yard.

6. Lands of either class which are subjected to the Summary Settlement will pay to Government alone one-eighth of the above rates.

7. Unoccupied or temporarily occupied culturable land may at any time be subjected to the non-agricultural or building rate. Occupied culturable land may be used for non-agricultural purposes only on the holder's agreeing to pay the building rate of assessment, and also purchasing the building occupancy at a rate to be fixed by the Collector according to the average rate per square yard obtained for similar land in the same locality. Survey fields may be divided into two equal or unequal portions with the Collector's permission, and only one of them be subjected to the building rate, provided the latter be not less than 200 square yards.

Resolution No. 3044, September 9th, 1868.
Resolution No. 1368, July 25th, 1865.
Resolution No. 801, April 21st, 1866.

8. The Municipality has received from Government the privilege of obtaining whatever sums it can by selling the right of occupancy of lands of all descriptions, wherever it may still be vested in Government.

9. On Government lands already permanently occupied, and on lands subjected to the Summary Settlement, the Municipality have no claim, since the occupancy is vested in the holders.

10. The occupancy of lands of whatever description now held temporarily, as also of all vacant lands, may be sold by the Municipality with the Collector's permission, provided that in the case of culturable lands not now required for building the occupancy sold be only annual, so as to admit of their being sold permanently for building purposes at any future time.

11. If in any instance it be considered by the Collector undesirable to sell any plot of vacant building land immediately, (1) it may be let *temporarily* at two pies per square yard per annum ground rent payable to Government, *plus* ten pies occupancy rent payable to the Municipality, the ten pies being the interest of the upset price of the occupancy; or (2) the Municipality may themselves rent the ground *annually* at two pies as above, and make what they can by renting the occupancy monthly, or otherwise. No permanent building will, of course, be permitted on such land.

12. Small strips of building land may, under special circumstances, be sold by the Collector to the owners of adjacent houses and others in perpetuity, and without reservation of ground rent. In these cases thirty times the amount of the annual ground rent which might have been imposed shall be credited to Government out of the proceeds of sale in satisfaction of its right, and the balance to the Municipality as the value of the occupancy.

13. It will be the duty of the Collector to inform the Municipality from time to time what plots of land are available for the sale of the occupancy. Should any private individual feel aggrieved

by such sale, his remedy by suit in the civil court will lie against the Collector, and not against the Municipality.

14. All sales of occupancies by the Municipality are subject to the confirmation of the Collector, with the view of ensuring as good a price being obtained as Government would have secured if it had not ceded the value of occupancies to the Municipality. The Collector shall not, except under special circumstances, to be recorded in his order, confirm any sale of occupancy for less than Rs. 1* per square yard (being the capital of which 10 pies is the annual interest at 5 per cent). If the Municipality neglect or refuse to sell any occupancy for one year after they have been informed that it is available, the Collector may sell it on their behalf.

* Rupees 1-0-8 is the exact amount.

15. On the completion of the survey an adjustment will be made with the Municipality of the cost of making that portion of the survey which is necessary for revenue purposes only, as contemplated in paragraph 6 of the late Revenue Commissioner's letter No. 2366, of August 19th, 1863.

T. C. HOPE,
Acting Magistrate.

RULES FOR ENQUIRIES INTO TITLE IN THE CITY OF SURAT.

	Special Remarks.	General Remarks.
I.—Land vacant in old Survey Map, but now *A*. Built upon or having been built upon. *B*. Enclosed as yard, &c., to house. *C*. Enclosed as compound to bungalow, &c. *D*. Enclosed for cultivation.	If leave from the Kotwal, Municipality, or Collector, be not forthcoming, then, (1.) If appropriated within five years to be declared Government. The holder to have the option of vacating, or holding, subject to the Government assessment after paying for the occupancy at a rate fixed by the Collector. (2.) If appropriated more than five years ago, *i.e.*, before January 1862, the holder to have the option of the Summary Settlement cess, or enquiry into title.	Regarding land coming under Class I. want of title is presumed, and it rests with the claimant to prove its existence, or to accept the Summary Settlement (in the case of lands A to E), or to abide the Collector's decision (lands F). Enquiries into title will be of two kinds—formal when the claimant refuses the Summary Settlement; summary, where (lands F) even possession, or *prima facie* title, is doubtful. Formal enquiries will be strictly according to law. Summary enquiries should be conducted with as little formality or inconvenience to the parties as may be. Decisions should be in a liberal spirit, according to the moral conviction of the trying Officer, and giving claimants the fair benefit of doubts.
E. Any of the above, if shown in the old maps as roadway.	To be treated as above, unless now required as road, in which case they must be vacated, compensation for superstructure removed being given where appropriation took place more than five years ago.	
A to *E*. If leave from the Kotwal, Municipality, or Collector, be forthcoming.	The leave must in all cases be respected, except in instances of obvious error or fraud, the boundaries, however, being most carefully compared. The land will be rent free, unless otherwise provided in the leave.	
F. Claimed, but not now enclosed.	Title to be summarily enquired into. Possession for twenty years clearly proved, may be admitted as conferring title in the absence of documents.	
A. to *F*. when the title alleged is purchased at a sale by the Civil Court.	The Civil Court confers no title, but only transfers whatever the previous alleged owner may have had. Its sales, therefore, are no proof whatever of title. If the purchaser neglects to obtain the title of the previous owner, Government should not suffer for it. If the sale took place within five years, the holder should be subject to full assessment in default of proving his title. If more than five years ago, he may be allowed the option of accepting the Summary Settlement.	

	Special Remarks.	General Remarks.
II.—Lands not vacant in old Survey Map.		
G. Built upon, or enclosed as yards to houses, compounds for bungalows, &c.	No enquiry into the *title* to such house property to be made. The Survey Department will enter in the books the name of ostensible owner, and the Officer investigating titles will in due course issue to him a Sunnud on payment of the prescribed fee, and after hearing any appeals against the entry made by the Survey.	Regarding building sites under Class II. complete title is assumed, and the only aim is to ensure, as far as possible, the name of the right person being entered in the books. Cultivated land held free of assessment is treated in the same way as other similar land throughout the Collectorate.
H. Ditto, but now open from fire, dilapidation, or similar cause.	To be treated as above, except that the decision as to who is to be declared owner shall be made by the Officer investigating titles after summary enquiry, in which he will be duly on his guard against trumped up claims to land which may have really lapsed to Government for want of an owner.	
I. Cultivated, but paying no assessment to Government.	To be offered the Summary Settlement.	
III.—Killa Bazar Lands.		The title of Government to all this land, Class III., is not disputed. A good map of it all should be made at an early date, and it should be carefully laid out, reserving whatever may be required for improving existing roads or making new ones. The occupancy of such portion as is built upon should be sold according to the new system, giving present holders a right of pre-emption at a fixed rate. The remainder will come under the revised rates for cultivated lands, or rules for vacant building lands, as the case may be.
I. Built upon	All encroachments should be detected by the Survey and reported to the Collector, who will proportionably raise the annual ground rent.	
K. Cultivated	As above.	

T. C. HOPE,
Acting Collector.

RESOLUTION.—The principles on which it is proposed to conduct this enquiry and settlement are approved; and the work may be commenced forthwith.

2. With regard to the error which the Revenue Commissioner alludes to as having been made in the Ahmedabad Rules by allowing the Municipality a share in the proceeds of land subjected to the Summary Settlement, the Municipality cannot, as has been pointed out, claim anything on the grounds of having conferred a proprietary right. It was not on this ground that the original levy was sanctioned; but because the Municipality are fairly entitled to be reimbursed for their share in the cost of the general survey. It would, however, be out of proportion to allow them one-eighth of ten pies on this account, while Government content themselves with an eighth of two pies. The most equitable plan will be to grant the Municipality, in consideration of the expense they are put to, the same amount as that demanded by Government, viz., one-fourth of a pie, making the total demand to amount to half pie. The necessary alterations should be made in the Ahmedabad Rules; and assessments that have already been imposed should be modified accordingly.

3. His Excellency the Governor in Council is satisfied that the success of this measure generally, both at Surat and elsewhere, must depend upon its receiving the good-will of the community; and as he has reason to believe that whatever discontent has been expressed has been in connection chiefly with the settlement and assessment of land claimed to be alienated, he trusts that the alteration above sanctioned will have the effect of removing all cause for dissatisfaction. Should, however, the Collector, or Revenue Commissioner, have reason to suppose that the rates in other respects are likely to be deemed oppressively high, no time should be lost in submitting proposals for lowering them.

Ordered that copies of the above be forwarded to—
The REVENUE COMMISSIONER, N.D.
The COLLECTOR of SURAT.

(Signed) J. KING,
For Chief Secretary to Government.

No. 157 OF 176.

To

THE REVENUE COMMISSIONER, N.D.

Camp Isrolee, 11th March 1867.

SIR,

I have had the honour to receive Government Resolution No. 862, of February 28th, and shall be obliged by your laying before

Government the following objections to which I most respectfully submit the orders in para. 2 lie open.

2. Those orders are to the effect that alienated land is to bear an assessment of one-eighth of two pies (or $\frac{1}{4}$th of a pie) per square yard payable to Government, and another eighth of two pies payable to the municipality in reimbursement of the cost incurred by it in the survey, making a total demand of one-fourth of two pies (or half a pie). It will, I presume, be admitted that the only authority for assessing alienated land at all is the Summary Settlement Act, and consequently that these orders are virtually an assessment under that Act of one-fourth of two pies, of which Government subsequently relinquish one-half to the municipality. But, since the *full* "rate at which similar land" in the city "belonging to Government is let" is two pies, Government cannot, under Section VI., Rule 2 of the Summary Settlement Act levy more on the alienated land than one-eighth of those two pies, that is, a fourth of one pie, and the additional fourth ordered to be levied is illegal.

3. I would further observe that separate provision has already been made in both Ahmedabad and Surat for the object for which this additional levy of a fourth of a pie is ordered, viz., "because the municipality are fairly entitled to be reimbursed for their share in the cost of the general survey." As regards Ahmedabad the late Revenue Commissioner, N.D. (the Honourable B. H. Ellis), wrote, as per margin, in a letter which was embodied in Government Resolution No. 3044, of September 9th, 1863, which originally sanctioned the Ahmedabad survey. As regards Surat, the same officer wrote, as per margin, to the late Collector Mr. Ravenscroft when first ordering the survey, and similarly to Government in the letter upon which his proceedings were sanctioned in Government Resolution No. 1539, of October 13th, 1863. The arrangement with the Surat Municipality was then made on this basis, and it has been distinctly specified in No. 15 of my rules for assessment, which have just been sanctioned in the Government Resolution to which this letter refers.

"5. The cost already incurred in the survey of Chotee Duskrohee may be considered as the Government contribution to the general survey of the City."

Para. 6 of No. 2366, of August 19th, 1863.—"The Superintendent of Survey will calculate the cost of the survey, and will then estimate how much would in ordinary circumstances be the charge to Government for surveying that portion which for revenue purposes it is absolutely necessary to survey. The rest it should be proposed to the Municipality to defray."

4. It may not be out of place to state that, even if provision for the claims of the two municipalities had not already been made, as shown above, and the legal difficulty of levying the pay-

ment now ordered did not exist, the amount of that payment is out of all proportion to the cost incurred. The Superintendent of Survey informs me that the latter will probably come to a rupee or so per acre in all, whereas the fourth of a pie assigned to the municipality to meet it is equivalent to Rs. 6-4-10 per acre per annum.

5. In conclusion, I respectfully solicit an early decision, and would suggest that the simplest solution would be to cancel Government Resolution No. 3381, of September 24th, 1866, and to declare the rules for assessment just sanctioned for Surat to be applicable to Ahmedabad with the single alteration of the rate for cultivated land (Rule 5) from Rs. 13 to Rs. 7.

T. C. HOPE.

No. 1114 OF 1867.

REVENUE DEPARTMENT.

Camp Vihara, 14th March 1867.

Submitted for the orders of Government.

2. The resolution appears to have been passed under the supposition that it would not be illegal were permission given to the municipality to levy, under the Summary Settlement Act, one-eighth of ten pies per square yard. If the rate of permanent assessment on all lands had been fixed at 8 annas per square yard (or Rs. 2,420 per acre) and the summary settlement cess on alienated land had consequently been one anna: had ten pies then been surrendered to the municipality, whilst two pies were retained for Government, the levy of the Summary Settlement cess at the full anna would have been legal, but not otherwise. As it is, the ten pies have nothing to do with alienated land or the Summary Settlement cess, but are an annual occupancy rent levied temporarily in cases in which it may be undesirable to sell vacant Government building land immediately. The assessment on the latter land is two pies per square yard, and at this rate the municipality can themselves rent it from Government, taking either more or less than ten pies from temporary occupants by private agreement, the latter sum in such cases not being leviable by law as a revenue demand. The right to Summary Settlement cess only exists in the case of alienated lands (in which no occupancy right is saleable) and is confined to one-eighth of the assessment that would have been leviable as a revenue demand if the ground had been Government property. Under these circumstances, Mr. Hope's view of

the case appears correct, and the levy of a summary settlement cess of one-half of a pie now sanctioned is double of what can legally be imposed.

(Signed) A. ROGERS,
Revenue Commissioner, N.D.

Lands.

No. 1150.

REVENUE DEPARTMENT.

Bombay Castle, 21*st March* 1867.

Memorandum from the Revenue Commissioner, N.D., No. 1114, dated 14th March 1867—Submitting a communication from the Acting Collector of Surat, who offers certain objections to paragraph 2 of the Government Resolution No. 862, dated 28th February 1867, relative to the assessment of, and enquiry into titles to, land in the town of Surat; and stating that, under the circumstances mentioned, Mr. Hope's view of the case appears correct, and that the levy of a Summary Settlement cess of one-half a pie now sanctioned is double of what can legally be imposed.

RESOLUTION.—It was never the intention of Government to levy the additional $\frac{1}{4}$ pie under the Summary Settlement Act.

2. The levy was intended solely as a Municipal Tax, and as such it would be quite competent for Government to authorize its imposition; but as the Right Honourable the Governor in Council understands that the local authorities are of opinion that it is not required, no further steps need be taken for collecting it, and the order for its collection is withdrawn.

(Signed) H. E. JACOMB,
For Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

FORM OF DEED OF SALE OF LAND IN PERPETUITY.

THIS is to certify that
has purchased from Government in perpetuity, subject to the conditions herein mentioned, a plot of ground situated in the
of the City of marked No. and containing about square yards, and of the following shape and dimensions—

Survey Officer.

નંબર

આ લેખ લખી આપવામાં આવે છે કે સરકારપાસેથી
મધે . ની જમીનનો એક કટકો
વંશપરંપરાના હકથી નીચે લખેલી શરતે વેચાતો લીધો છે. એ જમીનનો નંબર છે, અને એમાં આશરે
ચોરસવાર જમીન છે અને એના આકાર તથા માપની તપસીલ નીચેપ્રમાણે છે:—

માપની તપસીલ.

દીશા.	નીશાન.		માપ.	
	કીઆઅક્ષરથી.	કીઆઅક્ષરસુધી.	ફુટ.	ઇંચ.

ચારે દીશાનાં ખુટની તપસીલ.

દીશા.	સરહદદારનું નાંમ.	સરવે નંબર.

The said has paid the purchase-money of the said plot of ground, viz., Rupees

The Government sells the said plot of ground on the following conditions, that is to say—

I.—The said shall within one year from the date of this deed assume possession of the said plot of ground, by enclosing it with a wall, or in some other suitable manner.

II.—The aforesaid enclosure or building shall come up to the edge of the public footpath or prescribed line of road nearest the said plot of ground.

III.—The said shall erect on the said plot of ground no building less than feet in height from the public footpath of road to the wallplate, including a plinth two feet high.

IV.—The said plot of ground and all buildings erected thereon shall be suject to Municipal taxation, and to any taxations for local purposes which may hereafter be imposed in the whole District including the City of and shall also be subject to any tax affecting the said plot of ground or any of the buildings thereon of the nature contemplated in Sec. II., Cl. 2 of Reg. XVII. of 1827, which may hereafter be imposed by the Legislature.

V.—No roofs, or exterior or party walls, of wood, bamboo, thatch, or similar combustible materials shall be erected on the said plot of ground.

ઉપર મુજબ જમીન વેચાણ લેઇ તેની કીંમતના રૂપીયા મજકુરે ભર્યા છે.

એ જમીનનો કટકો નીચેપ્રમાંણે શરતોથી સરકારે વેચાણ આપેલો છે—

૧. મજકુરે આજની તારીખથી વરસ એકમાં એ જમીનઉપર દીવાલથી અથવા બીજી ધટારત રીતે કબજો કરવો.

૨. ઉપલી કલમપ્રમાંણે જે દીવાલ વગેરે બાંધવામાં આવે તે સદર્હૂ જમીનને લગતા સરિઆમ પગમારગ અથવા ઠરાવેલા રસ્તાની સરહદ સુધી આવવું જોઇએ.

૩. કોઇ મકાન પગમારગ અથવા રસ્તાની સપાટીથી તે નેવ-ગેસુધી ફુટથી નીચું બાંધવું નહીં; અને તેમાં બે ફુટની પુરણી કરવી.

૪. શેહેર-સુધારાના કર તથા દેશ-સુધારાના જે કર સુધાં આખા જીલ્લામાં હવેપછી લેવામાં આવે તે કર જમીન મજકુરને તથા તેની ઉપરના સઘળાં મકાનોને લાગુ પડશે; અને જમીન મજકુર અથવા તેની ઉપરના કોઈ પણ મકાનને તાલુક રાખતો કોઇ કર, સને ૧૮૨૭ ના કાયદા ૧૭ ની કલમ ૨ રકમ ૨ માં લખેલા પ્રકારનો હવે પછી સરકારના કાયદાપ્રમાણે લેવાય તે કર પણ જમીન મજકુરને તથા તેની ઉપરના સઘળાં મકાનોને લાગુ પડસે.

૫. નરાં લાકડાં અથવા વાંશ અથવા છાજ અથવા એવીજ બીજી સેહેલથી શળગી ઉઠે તેવી વસતુનાં છાપરાં અથવા બાહારની દીવાલ અથવા પડોશના આંતરાની દીવાલ જમીન મજકુરઉપર બાંધવાં નહીં.

VI.—If the said shall fail to observe or fulfil any of the aforesaid conditions this deed of sale shall be null and void.

VII.—The purchaser will be at liberty, subject to the conditions of this deed, to sell, mortgage, or otherwise transfer his proprietary right to another.

Given under the hand and seal of the Collector of this day of one thousand eight hundred and A. D.

Collector.

૬. જો મજકુર ઉપરની સરત મધેની કોઇપણ સરત તોડશે તો આ વેચાણ ખત રદ થશે.

૭. વેચાણ રાખનાર આ ખતની સરતપ્રમાણે પોતાનો માલીકપણાનો હક વેચવાને અથવા ગીરો મુકવાને અથવા બીજી તરેહથી કોઇને આપવાને મુખ્ત્યાર છે.

ના કલેક્ટરની સહી મોહરથી તારીખ માહે સને ૧૮ ને રોજ આ પટો આપ્યો છે.

FORM OF LEASE OF LAND FOR NINETY-NINE YEARS.

THIS is to certify that has purchased from Government the occupancy for a term of ninety-nine years, subject to the conditions hereinafter mentioned, of a plot of ground situated in the of the City of marked No. and containing about square yards and of the following shape and dimensions :—

આ લેખ લખી આપવામાં આવે છે કે સરકાર પાસેથી મધે ની જમીનનો એક કટકાનો વાપરવાનો હક નવાણું વરસની મુદતને પટે નીચે લખેલી સરતે વેચાતો લીધો છે. એ જમીનનો નંબર છે; અને એમાં આસરે ચોરસવાર જમીન છે; અને એના આકાર તથા માપની તપસીલ નીચેપ્રમાણે છે:—

Survey Officer.

The said has paid the purchase-money for the right of occupancy for the said term, viz., Rupees

The Government leases to the said heirs, successors, legal representatives, or assigns, the right of occupancy of the said plot of ground for the term of ninety-nine years, subject to the following conditions, that is to say—

માપની તપસીલ.

દીસા.	નીસાંન.		માપ.	
	ઉત્તરેપશ્ચિમ અક્ષરસુધી.	પૂર્વેપશ્ચિમ અક્ષરસુધી.	ફુટ.	ઇંચ.

ચારે દીસાનાં ખુંટની તપસીલ.

દીસા.	સરહદદારનું નામ.		સરવે નંબર.

મજકુરે મુદત મજકુરસુધી એ વાપરવાના હકની ખરીદીના રૂપીયા આપ્યા છે.

મજકુરને અથવા તેના વંશ હકદાર વારસ વકીલને અથવા તે જેને આપે તેણે, જમીન મજકુરનો વાપરવાનો હક નવાણું વરસની મુદતસુધી નીચે લખેલી સરતે સરકારે પટે આપ્યો છે.

I.—The said
heirs, successors, legal representatives, and assigns, shall pay to Government an annual rent of Rupees
in respect of the said plot of ground.

II.—The said rent must be paid in advance in one annual payment on the 1st of August in each year. If the said rent be not paid within three months from the said 1st of August in each year, interest at the rate of nine per cent. per annum will be charged upon the said rent in arrear from the expiration of the said three months until payment, and if the said rent, together with such interest thereon as shall be due, be not paid within a year from the said 1st of August in each year, payment of such rent and interest shall be enforced by proceeding in any of the modes prescribed by any of the Regulations or Acts of the Legislature, now or hereafter to be in force relating to the realization of Government land revenue, and if the said rent, together with all interest thereon, be not paid within two years from the said 1st of August, this lease and all rights thereunder shall become forfeited to Government.

III.—The said
heirs, successors, legal representatives, or assigns, shall, within two years from the date of this lease, erect on the said plot of ground one or more buildings of a permanent character and construction.

૧. મજકુરે તથા તેના વંશ હકદાર વારસ વકીલે તથા તે જેને આપે તેણે સરકારને જમીન મજકુરને સારૂ દર વરસ રૂપીયા ધારો આપવો.

૨. ધારો મજકુર હર વરસ તારીખ ૧ લી આગષ્ટે અગાઉથી એક રકમે આપવો. જો ધારો મજકુર હર વરસ તારીખ ૧ લી આગષ્ટે મજકુરથી ત્રણ મહીનાની અંદર નહી આપે, તો ત્રણ મહીના મજકુર પુરા થએથી રૂપીયા આપતાંસુધી ચઢેલા ધારા મજકુર ઉપર દર સેંકડે દર વરસે નવ ટકા લેખે વ્યાજ લેવામાં આવશે, અને ધારો મજકુર ચઢેલા વ્યાજ સાથે હર વરસ તારીખ ૧ લી આગષ્ટે મજકુરથી વરસ દહાડામાં નહીં આપે તો જમીન ઉપરનો સરકારનો ધારો વસુલ કરવાવીશે ચાલતા અથવા હવેપછી થાય તે કાયદામાં જે રીત લખી હશે, તે રીતે તે ધારો તથા વ્યાજ વસુલ કરવામાં આવશે; અને ધારો મજકુર વ્યાજસાથે તારીખ ૧ લી આગષ્ટ મજકુરથી બે વરસમાં નહીં આપે તો આ પટો રદ થઇને પટાની રૂએ જે હકો મળે તે સઘળા હકો સરકારમાં ખાલસા કરવામાં આવશે.

૩. આ પટાની તારીખથી બે વરસમાં મજકુરે અથવા તેના વંશ હકદાર વારસ વકીલે તથા તે જેને આપે તેણે જમીન મજકુરની ઉપર એક અથવા વધારે પાકાં મકાંન બાંધવાં.

IV.—No roofs, or exterior or party walls, of wood, bamboo, thatch, or similar combustible materials shall be erected on the said plot of ground.

V.—No building of any kind whatsoever shall project over the edge of the public footpath or prescribed line of road nearest the limits of the said plot of ground.

VI.—No building shall be less than feet in height from the level of the footpath or road to the top of the wallplate, inclusive of plinth two feet high.

VII.—The said plot of ground and all buildings thereon shall be subject to Municipal taxation, and to any taxations for local purposes which may hereafter be imposed in the whole District including the City of , and shall also be subject to any tax affecting the said plot of ground or any of the buildings thereon, of the nature contemplated in Sec. II., Cl. 2, of Reg. XVII. of 1827, which may hereafter be imposed by the Legislature.

VIII.—If the said heirs, successors, legal representatives, or assigns, shall fail to observe or fulfil the conditions of this lease or any or either of them, he or they, as the case may be, shall forfeit to Government all right and title under this lease to the said plot of ground and buildings thereon, and it shall be lawful for

૪. નરાં લાકડાં અથવા વાંસ અથવા છાજ અથવા એવીજ બીજી શેહેલથી સળગી ઉઠે તેવી વસ્તુનાં છાપરાં અથવા બાહારની દીવાલ અથવા પડોશના આંતરાની દીવાલ, જમીન મજકુર ઉપર બાંધવાં નહીં.

૫. કોઈપણ તરેહનું મકાન જમીન મજકુરની હદને લગતા સરેઆમ પગમારગની કોર અથવા ઠરાવેલા રસ્તાની સરહદથી બાહાર પડે નહીં.

૬. કોઈ મકાંન પગમારગ અથવા રસ્તાની સપાટીથી તે નેવ-ગેસુધી / ફુટથી નીચું બાંધવું નહીં, ને તેમાં બે ફુટની પુરણી કરવી.

૭. શેહેર-સુધારાના કર તથા દેશ-સુધારાના જે કર શેહેર સુધાં આખા જીલ્લામાં હવેપછી લેવામાં આવે તે કર જમીન મજકુરને તથા તેની ઉપરના સઘળાં મકાનોને લાગુ પડશે; અને જમીન મજકુર અથવા તેની ઉપરના કોઈ પણ મકાનને તાલુક રાખતો કોઈ કર સને ૧૮૨૭ ના કાયદા ૧૭ ની કલમ ૨ ની રકમ ૨ માં લખેલા પ્રકારનો હવેપછી સરકારના કાયદાપ્રમાણે લેવાય તે કરપણ જમીન મજકુરને તથા તેની ઉપરના સઘળાં મકાનોને લાગુ પડશે.

૮. જો મજકુર અથવા તેના વંશ હકદાર વારસ વકીલ અથવા તે જેને આપે તે આ પટાની તમામ અથવા કોઈ સરત અંમલમાં લાવશે નહી અથવા પાળશે નહી તો આ પટાની રૂએ જમીન મજકુરઉપરનો તથા તેઉપરના મકાનો ઉપરનો તેનો હક સરકારમાં ખાલસા થશે; અને એમ કરવાઉપરથી સરકારને તથા તેના અંમલદારોને જમીન મજકુરઉપર જઇને તેનો

Government and its officers on such default as aforesaid, to enter upon the said plot of ground and take possession of the same and of all buildings thereon, and hold the same to the use of Government freed and discharged from all incumbrances created thereon by the said
heirs, successors, legal representatives, and assigns, or any or either of them.

IX.—The said
heirs, successors, legal representatives, or assigns, will be at liberty, subject to the above conditions, to sell, assign, or otherwise transfer his and their right under this lease, but such transferee shall in every case take subject to the above conditions and to the obligation of observing and fulfilling the same, provided always that the liability of every transferor under this lease shall continue until a written notice of such transfer, signed by the transferor or his duly constituted agent, shall have been served upon the Collector or other officer authorised by the Collector to receive the same.

X.—If the said term should not become forfeited under any of the preceding clauses of this lease, but should expire by effluxion of time, the said
heirs, successors, legal representatives, and assigns, shall have a renewal of the said lease for further successive periods of ninety-nine years in perpetuity on consenting to pay the annual rate which may be assessed on the said

તથા તેના ઉપરના સઘળાં મકાનોનો કબજો લેવાને તથા સરકારના ઉપયોગને સારૂ રાખવાને અખ્તયાર થશે; અને

મજકુરે તથા તેના વંશ હકદાર વારસ વકીલે તથા તેને જેને આપી હશે તેણે અથવા તેઓમાંના હર કોઇએ તેના ઉપર કંઈ કરજ કાહાડું હશે તોપણ તે કરજવીસે એ મીલકત જુમેદાર નથી.

૯. ઉપલી સરતો કાયમ રાખીને

મજકુરને અથવા તેના વંશ હકદાર વારસ વકીલને અથવા તે જેને આપે તેહને આ પટાની રૂએ પોતાનો હક વેચવા અથવા ગમે તે રીતે બીજાને આપવાનો અખ્તયાર છે, પણ જે શખસ તે લેશે તેને હરેક બાબતમાં ઉપલી સરતો લાગુ પડશે, અને તે પાલવાની તને ફરજ પડશે; પણ તે આપનાર અથવા તેનો કાયદાપ્રમાણે નીમેલો મુખ્તયાર તે આપવાની પોતાની સહી સુધાંની લખેલી નોટિસ કલેકટરને અથવા કલેકટરે તે નોટિસ લેવા સારૂ બીજા જે અંમલદારને મુકરર કીધો હોય તેને પોંહોચાડે ત્યાંસુધી આ પટાની રૂએનું જોખમ હરેક આપનારને સીર હમેશાં જારી રેહેશે.

૧૦. જો આ પટામાં ઉપર લખેલી કોઈ પણ કલમની રૂએ હકો ખાલસા ન થાય પણ પટાની મુદ્દત પુરી થાય તો તે મુદ્દત પુરી થએથી જમીન ઉપર ફરીથી ધારો બેસાડવાસારૂ સાધારણ તપાસ ચાલી તેમાં જમીન મજકુર ઉપર જે ધારો દરસાલ લેવાનું ઠરે તે આપવો કબુલ કરેથી તથા ભોગવટાનો હક કાએમ રાખવા બાબત સરકાર જે રકમ લેવાનું ઠરાવે તે આપવી કબુલ કરેથી

મજકુર તથા તેના વંશ હકદાર વારસ

land at a general revision of assessment at the commencement of such periods, as also a premium to be fixed by Government for the continuance of the right of occupancy for each such period, and if the said heirs, successors, legal representatives, and assigns shall not assent to or comply with such terms, Government shall, at the expiration of the then expiring period of ninety-nine years, enter upon and take possession of the said demised premises, and the said heirs, successors, legal representatives, and assigns, shall at the expiration of the said term, or within six calendar months after Government shall have given notice of the terms on which it is willing to renew the lease, clear off all buildings and erections that may be upon the said demised premises, unless the Collector and the said heirs, successors, legal representatives, and assigns, shall in the meantime agree upon a valuation to be put upon the said buildings and erections, and the Collector shall assent to take them at such valuation.

Given under the hand and seal of the Collector of this day of one thousand eight hundred and

A. D.

Collector.

વકીલ તથા તે જેને આપે તેણે વખતે વખત નવાંણુ નવાંણુ વરસની મુદ્દતે પટો ફરીથી આપવામાં આવશે. અને જો મજકુર અને તેના વંશ હકદાર વારસ વકીલ અને તે જેને આપે તે મજકુર સરતો કબુલ નહી કરે તો તે વખતે ચાલતી નવાંણુ વરસની મુદ્દત પુરી થએથી પટે આપેલી જમીન મજકુર ઉપર જઇને સરકાર તેનો કબજો કરશે અને તે મુદ્દત પુરી થએથી અથવા જે સરતે સરકાર પટો નવો કરી આપવાને રાજી થશે તે સરતો વીશે નોટીસ આપ્યા પછી છ મહીનાંમાં પટે આપેલી જમીન ઉપર જે મકાન અને ઇમારત હોય તે સઘળા મજકુરે તથા તેના વંશ હકદાર વારસ વકીલ તથા તે જેને આપે તેણે ઉપાડીને જમીન સાફ કરી નાખવી, પણ જો તેટલામાં કલેક્ટર અને મજકુર તથા તેના વંશ હકદાર વારસ વકીલ તથા તે જેને આપે તે મલીને મકાન તથા ઇમારત મજકુરની કીંમતવીસે એકમત થઈ નકી કરશે તો તે કીંમત પ્રમાણે તે મકાન વગેરે લેવાને કલેક્ટર મુખત્યાર છે.

ના કલેક્ટરની સહી મોરથી તા૦ માહે સને ૧૮ ને રોજ આ પટો આપ્યો છે.

SUMMARY SETTLEMENT SUNNUD GRANTED UNDER (BOMBAY) ACT VII., 1863.

THE SECRETARY OF STATE IN COUNCIL,

TO

WHEREAS His Excellency the Governor of Bombay in Council, with a view to the settlement of the Land Revenue, and to the record and preservation of proprietary and other rights connected with the soil, has put in force in the Bombay Act I. of 1865, and ordered the necessary inquiries connected therewith to be made.

And whereas there is a certain plot of ground occupied by you in the division of the registered No. in the map marked Sheet No. and facing towards the the road leading from to containing about square yards, and of the shape, dimensions, and description, as follows :—

Survey Officer.

નામદાર સેક્રેટરી આફ્ સ્ટેટ ઈન્ કૌન્સિલ જોગ.

જમીનના ધારાનો ઠરાવ કરવા સારૂ તથા જમીન ઊપરના ધણીપણાનો તથા બીજા હક દફતરમાં દાખલ કરીને કાયમ રાખવાના હેતુથી મુંબઈના નામદાર ગવનર ઈન્ કૌન્સિલે મુંબઈનો સને ૧૮૬૫ નો આક્ટ પેહેલો ને લાગૂ કરી તે સબંધીના જરૂરીઆત તપાસ કરવાને હુકમ કરેલા છે.

તથા માં ભાગના નુક્ષાની ટીકો નંબર માં સરવે રજિષ્ટરમાં નંબર માં નોંધાએલી જમીનનો ઉપભોગ કરનાર તમો જણાયો છે.

તે જમીન થી જવાના રસ્તા ઉપર મુખની છે તેમાં આસરે સમચોરસવાર જમીન છે તેની આકૃતી તથા આકાર તથા માપની તપશીલ નીચે પ્રમાણે :—

માપની તપશીલ.					ચારે દીશાના ખુંટની તપશીલ.		
દીશા.	નીશાન.		માપ.		દીશા.	સરહદદારનું નામ.	સરવે નંબર.
	કીઆ અક્ષરથી.	કીઆઆક્ષર સુધી.	ફૂટ.	ઇંચ.			

And the Assessment thereon is :—

Full Assessment.	Of which is paid to Government.	Fixed Quit-rent imposed under the Summary Settlement.	Total annual Payment to Government.

And whereas the ground above described has been brought under the Summary Settlement authorised by Act No. VII. of 1863 of the Bombay Legislative Council; It is hereby declared that the said land, subject (in addition to Sulamee or other payment which may have been hitherto levied, or which may hereafter be fixed, under Sections IV. and V. of the said Act) to the payment to Government of an annual quit-rent of Rupees shall be continued for ever by the British Government, as the private property of the persons who shall from time to time be its lawful holders, without increase of the said quit-rent, except under the provisions of (Bombay) Act IV., Section VII. of 1868, and without any objection or question on the part of Government, whether the rights of the said lawful holders shall

તેનો ધારો નીચે પ્રમાણે છે :—

કમાલ આકાર.	પૈકી સરકારમાં આવેછે તે.	સમરીસેટલ્મેંટના ઠરાવ પ્રમાણે સલામી બેસાડવામાં આવી છે તે.	દરસાલ કુલ રકમ સરકારમાં ભરવાની તે.

ઉપર લખેલી જમીનને મુંબઈની લેજીસલેટીવ કૌન્સિલના સને ૧૮૬૩ ના ૭ માં આક્ટપ્રમાણે "સમરી સેટલ્મેંટ" લાગૂ કરવામાં આવ્યો છે તેઉપરથી આ ઠરાવ કરી આપવામાં આવે છે જે તે જમીનની જે કાયમ સલામી તથા સ્વાદીઈ વીગરે આજ સુધી લેતા આવ્યા હશે તે તથા જે સલામીનો તથા સ્વાદીયાં વગેરેનો સદર્હૂ આક્ટની ૪ થી તથા ૫ મી કલમપ્રમાણે એક મુકરર આંકડો ઠરાવવામાં આવસે તે ઉપરાંત સાલ દર સાલ રૂપીઆ

સલામી આપવી પડસે અને તે જમીનના વખતે વખત જે કોઈ કાયદાસર માલીકો હસે અને તેઓ અંગરેજ સરકારનાં વફાદાર અને ઇમાનદાર રૈયત રેહેસે તેઓની તરફ તે જમીન હમેશ ખાનગી મિલકતપ્રમાણે ચલાવવામાં આવશે; પછી તે કાયદાસર માલીકોનો હક વારસાની રૂએ અથવા દત્તવિધાનની અથવા વેચાણની અથવા ધરાણાંની અથવા બક્ષીસની રૂએ અથવા બીજે કોઈ પ્રકારે પોંહોચતો હોય

have accrued by inheritance, adoption, assignment, or otherwise, but on the condition that such lawful holders shall continue loyal and faithful subjects of the British Government.

This Sunnud is executed on behalf of the Secretary of State in Council, by order of the Governor in Council of Bombay, by and under the hand and seal of the Collector of this day of one thousand eight hundred and

Collector.

તોયપણ તે બાબત સરકારની તરફથી કાંઈ વાંધો અથવા તકરાર લેવામાં આવસે નહીં, તથા સલામીનો આંકડો ઉપર લખ્યો છે તેહેમાં મુંબઇના સને ૧૮૫૮ ના આક્ટ ૪ ની કલમ ૭ માં લખેલા ધારા શિવાય હવે પછી કાંઈ વધારો કરવામાં આવસે નહીં.

નામદાર સેક્રેટરી આફ્ સ્ટેટ ઈન્ કૌન્સિલના તરફથી નામદાર મુંબઈના ગવરનર ઈન્ કૌન્સિલના હુકમથી કલેક્ટરની સહી મોહોરથી તારીખ માહે સન ૧૮ ને રોજ આ સનદ આપી છે.

આ સનદ આપા બદલ જીલ્લે માં સમરી સેટલ્મેંટ પ્રકરણી સનદોની નોંધછે તેમાં નંબર મે દાખલો લખી રાખો છે તથા તેહેના ઉપર સદર્હૂ

એ સનદ પોંહોચા બદલ સહી કરી છે.

PRIVATE PROPERTY SUNNUD GRANTED UNDER (BOMBAY) ACT IV., 1868.

THE SECRETARY OF STATE IN COUNCIL.

To

WHEREAS His Excellency the Governor of Bombay in Council, with a view to the Settlement of the Land Revenue, and to the record and preservation of proprietary and other rights connected with the soil, has put in force, in the City of Bombay Act I. of 1865, and ordered the necessary inquiries connected therewith to be made, this Sunnud is issued to the effect that—

નામદાર સેક્રેટરી આફ્ સ્ટેટ ઈન્ કૌંસિલ જોગ.

જમીનના ધારાનો ઠરાવ કરવાસારૂ તથા જમીન ઉપરના ધણીપણાનો તથા બીજા હક દફતરમાં દાખલ કરીને કાએમ રાખવાના હેતુથી મુંબઇના નામદાર ગવરનર ઇન કૌન્સિલે મુંબઇનો સને ૧૮૬૫ નો આક્ટ પેહેલો શહેરને લાગૂ કરી તે સંબંધીના જરૂરીઆત તપાસ કરવાને હુકમ કરેલા છે તે મુજબ થતાં આ સનદ આપવામાં આવેછે જે—

There is a certain plot of ground occupied by you in the division of the City of , registered No. in the map marked Sheet No. and facing towards the the road leading from to containing about square yards, and of the following shape and dimensions :—

Survey Officer.

માં ભાગનાં નુક્ષાનો ટીકો નંબર માં સરવે રજીષ્ટરમાં નંબર માં નોંધાએલી જમીનનો ઉપભોગ કરનાર જણાએ છે તે જમીન થી જવાના રસ્તા ઉપર મુખની છે તેમાં આસરે સમચોરસવાર જમીન છે તેના આકાર તથા માપની તપસીલ નીચે પ્રમાણે :—

માપની તપસીલ.					ચારે દીશાના ખુટની તપસીલ.		
દીશા.	નીશાન.		માપ.		દીશા.	સરહદદારનું નામ.	સરવે નંબર.
	ફીચ્આ અક્ષરથી.	ફીચ્આ અક્ષર સુધી.	ફુટ.	ઇંચ.			

The ground above described is hereby declared to be private property, and will, therefore, be continued by the British Government, without any objection or question as to title, to whosoever shall from time to time be its lawful holders. The said ground and all buildings erected thereon will be subject to Municipal taxation, and to any taxations for local purposes affecting the whole District, including the City of or of the nature contemplated in Regulation XVII. of 1827, Section II., Clause 2, which may hereafter be imposed by the Legislature, but to no other Government demand whatever.

This Sunnud is executed on behalf of the Secretary of State in Council, by order of the Governor in in Council of Bombay, by and under the hand and seal of the Collector of this
day of One thousand Eight hundred
and A. D.

Collector.

ઉપર લખેલી જમીન ખાનગી મીલકત ઠરાવેલી છે, તેથી તેના વખતે વખત જે કોઇ કાયદાસર માલીક હશે તેમની તરફ અંગરેજ સરકાર હકીકતનો કોઇ પ્રકારનો વાંધો અથવા તકરાર ન લેતાં ચલાવસે. અને ફક્ત શેહેર-સુધારાના કર તથા દેશ-સુધારાના શેહેર સુધાં આખા જીલ્લામાં લાગૂ થાય તેવા કર, તથા સને ૧૮૨૭ ના કાયદા ૧૭ની કલમ ૨ ની રકમ ૨ માં લખેલા પ્રકારના કર સરકારના કાયદા મુજબ હવે પછી લેવાય, તે શીવાય બીજા કોઇ પણ પ્રકારના કર સદર્હુ જમીન ઉપર તથા તે ઉપરનાં મકાંન અથવા ઇમારત ઉપર સરકાર લેશે નહી.

નામદાર સેક્રેટરી આફ સ્ટેટ ઇન કૌન્સિલના તરફથી નામદાર મુંબઇના ગવરનર ઈન્ કૌન્સિલના હુકમથી.
કલેક્ટરની સહી મોહોરથી તારીખ માહે
સને ૧૮ ને રોજે આ સનદ આપી છે.

No. 954 OF 1867.

To

A. C. TREVOR, ESQ.,
T. H. STEWART, ESQ.,
H. SUMMERS, ESQ.

Surat, 18th June 1867.

SIR,

I have the honour to request that when in the course of your enquiries you find in one house site, or other compact holding, portions of land requiring to be dealt with in different ways under the rules, you will, as far as possible—should the owners agree to the necessary terms—consolidate them into one private property tenure.

2. For this purpose the Summary Settlement cess may be redeemed under Government Resolution No. 1866* of May 12th, 1864, and the full Government Land Revenue also may be similarly dealt with when it does not exceed eight rupees per annum, under Government Resolution No. 2562 of August 3rd, 1863. Copies of both resolutions are appended. The proceeds should be paid at once into the Huzur Treasury.

* See Summary Settlement file.

3. I need scarcely add that when confirming titles the parties should, if possible, be induced to acquire by purchase from Government, and add to their holdings any open spaces intervening between them and prescribed lines of road, or otherwise conveniently supplementing their property.

T. C. HOPE.

No. 1507 OF 1867.

To

A. H. SPRY, ESQ.,
T. H. STEWART, ESQ.

Surat, 13th September 1867.

SIR,

You have probably observed that applications for "Ruza-chittees," or permissions to build, as contemplated in the Municipal Rules, are not unfrequently made by persons who have either no *bonâ fide* intentions of building, or who wish to obtain a title to land by stealing a march on others who may not be aware of their application.

2. I would therefore suggest the following rules for your general guidance:—

1st.—No ruza-chittee should be given to any one to build on land of which he is not in possession.

2nd.—Unless an applicant satisfies you that he is really about to build he should be told that his application will be disposed of during the regular inquiry into the lands in the map of the locality.

3rd.—No ruza-chittee should be given without previous proclamation of the application in the locality, as is the practice with regard to house property sunnuds.

4th.—In cases where building may have commenced, or there may be other reasons for immediate orders, while at the same time the enquiry into title cannot be at once completed, a "ruza-chittee" may be given on the applicant agreeing to abide by the result of that enquiry.

5th.—It should be borne in mind that our investigations are not with the object of conveying or settling any rights of property, but only of deciding the relations of that property with Government. When property may be disputed between two or more claimants, therefore, all that is needed is to decide that it is house property, or as the case may be, and that a proper sunnud will be issued to whoever may produce proof that he is the lawful holder.

T. C. HOPE.

Revenue Survey and Assessment.

No. 3921.

REVENUE DEPARTMENT.

Bombay Castle, 14th November 1867.

Letter from the Revenue Commissioner, N.D., No. 5131, dated 26th October 1867.—Forwarding, for orders, a correspondence relating to an entire re-organization of the survey and enquiry into titles to land in the towns of Surat, Broach, Balsar, and Ahmedabad, sanctioned in the Government orders noted in the margin, and now, with the exception of that portion relating to settlement of titles in Surat, proceeding under the superintendence of Mr. H. H. Summers, a Sub-Assistant Superintendent, deputed from the Gujrat Revenue Survey Department; and stating that, in anticipation of the sanction of Government, he has instructed the Acting Superintendent, Gujrat Revenue Survey, to place Mr. Bulkley in charge of the enquiry work in Surat, on the approaching departure of Mr. Stewart to resume charge of his own duties in the Panch Mahals, pending the sanction of Government, and that as Mr. Bulkley and Mr. Guerin are the most experienced Classers on the Survey Establishment he cannot recommend the employment of both of them at the

Ahmedabad.

Government Resolution No. 3044, dated 9th September 1863.

Surat.

Government Resolution No. 1643, dated 20th April 1865.

Balsar.

Government Resolution No. 1643, dated 20th April 1865.

Broach.

Government Resolution No. 2269, dated 20th December 1865.

same time on these special duties for fear of crippling the efficiency of the former Department.

RESOLUTION.—The Revenue Commissioner has forwarded a joint report by Messrs. Hope and Beyts, which places clearly before Government the present state of the Gujrat City Surveys, and proposals for re-organizing them on an effective footing.

2. It is quite clear that, with the exception perhaps of Surat, the municipalities are dissatisfied, and the cause is evident. They are necessarily without any immediate return for their share of the expense, and, moreover, they do not receive so much supervision from the overworked Officer who has charge of the surveys as they conceive their contributions entitle them to.

3. On the first point Government must trust to the intelligence of the Municipal Communities to appreciate the advantages of a survey. It may be added, however, that Government will remove any impression that it is not bearing its fair share of the burden, and to do this will increase the Government portion of the expense. This appears the more reasonable as the surveys will evidently last longer than the municipalities at first contemplated.

4. And there is no reason why Government should not incur expense in surveying cities when the return is so obviously remunerative. It is at least as much the duty of Government as to survey purely agricultural lands. The only reason for imposing a portion of the expense on the municipalities is that they are to share the eventual proceeds with Government. They can hardly choose to abandon the work now, as in that event they will lose the money already expended, and which Government certainly will not reimburse them.

5. The first step is to provide efficient survey supervision, and to do this Ahmedabad must be separated from the other cities. To carry on the remaining survey work and to complete the enquiries an Assistant and Sub-Assistant will be necessary. Mr. A. S. Bulkley, who is now conducting the enquiry at Surat, should be appointed to the duty at Ahmedabad, and should have under him a Sub-Assistant, who will be nominated by the Superintendent Survey, with the concurrence of the Commissioner, for this duty.

6. Mr. Bulkley will be nominated an Assistant to the Collector of Ahmedabad under Section 6 of the Bombay Survey Act. If any further notifications be required, the Commissioner will report to Government.

7. For Surat Mr. Hope is anxious to retain the services of Mr. Summers. This Officer will, therefore, remain in charge of the survey of Surat, and will also have that of Balsar. The survey of Broach should be entrusted to the Sub-Assistant, Mr. Atmaram Nuthoojee, who will be employed exclusively on this duty.

8. It will thus be seen that only one more Sub-Assistant than is now employed will be required. The Superintendent will doubtless be able to arrange for this Officer.

9. The whole of the cost of these Officers has already been included in the Budget of the Gujrat Survey, and their cost should be so continued. Of course, the charges on account of these Officers will not be included in calculating the cost on the acreage of the purely agricultural districts. The cost will be calculated separately. The progress of the work in the Gujrat Survey admits of these Officers being employed without detriment to other work, and without incurring additional cost. It may also be recorded that the appointment of a Deputy Superintendent will not be necessary in succession to Mr. Beyts, and whenever he vacates the office, or is temporarily employed on other duty, it will not be filled up. There will, therefore, be this additional saving.

10. The cost of one full Establishment may likewise be charged to these City Surveys from the Budget for the Gujrat Survey. Rupees 500 a month may, therefore, be equitably apportioned by the Commissioner towards the establishments maintained for the surveys of the four cities. The recent reduction of Gujrat Establishments will enable the Superintendent to do this without any increase to his budget.

11. There remains to be provided the Surat, Broach, and Balsar enquiries. If the staff of Assistants to the Collector be maintained at their full complement, the Collector will, it is hoped, be able to provide an Assistant for this work, and give him further assistance in the monsoon. The Collector should find no difficulty in doing so, as he has the services of a Deputy Collector belonging to the Ahmedabad Collectorate. No further appointment will, therefore, be necessary for this purpose.

12. The Governor in Council approves of the Revenue Commissioner having taken the measures reported in paragraph 8.

(Signed) H. E. JACOMB,
For Acting Chief Secretary to Government.

To

The Revenue Commissioner, N.D.
The Accountant General (with copy of Mr. Rogers' letter).

No. 1454 of 1868.

To

A. D. CAREY, Esq.,
Enquiry Officer.

Surat, 25*th July* 1868.

Sir,

I have lately had under consideration the question of permitting persons to build balconies (રેવેશ) projecting from their houses over the street, which has arisen in the course of your granting "ruza-chittees," and is under Rules 46 and 48 within the cognizance of the municipality.

2. There can be no doubt that the maxim *cujus est solum ejus est usque ad cœlum*" precludes the admission of any right to construct such projections over the public road. Permissions, if granted, are clearly by favour.

3. The objections to such permissions are that parties sometimes surreptitiously run up an otta on the ground beneath the "ruvesh," and even erect posts from it to the "ruvesh," and then state that the ground has always been in their possession, or else they merely claim the land beneath the "ruvesh" and even that covered by the eaves as being their's by the custom of the country, as they allege.

4. The advantages of "ruveshes" are that they are picturesque, increase the shade in the streets, and are a convenience to householders without present injury to the public.

5. There, therefore, appears no reason why the above advantages should not be obtained simultaneously with security against the evils noticed in para. 3 by means of an agreement to be taken from the owner of the house disclaiming any right to the land beneath the "ruvesh," and agreeing to remove it without compensation if at any future time he should be required to do so under Rules 46 or 48.

6. The question whether any person should be charged for such permissions, I will refer to the municipality and inform you of the result hereafter.

T. C. HOPE.

No. 1506 OF 1868.

To

N. B. BEYTS, ESQ.,
H. SUMMERS, ESQ.,
A. D. CAREY, ESQ.

Surat, 7th August 1868.

SIR,

With reference to the vernacular correspondence which has arisen on applications from various parties to have lands which have been entered as a single number in the survey sub-divided into two or more "pot-numbers," I have the honour to state that, inconvenient as such sub-divisions are, it appears politic not to prohibit them as long as they are not smaller than one quarter of a square inch on the maps, or 68 square feet in area.

2. In all cases when they are made, a fee of one rupee for each "pot-number" should be charged and credited to the survey account of the municipality,

3. In cases when the sunnud for the land has already been issued, it of course cannot be revoked, but an endorsement of the sub-division may be made on the back of it, and duplicates may be issued on receipt of the fees already established for duplicates.

4. When the sunnud has not actually been prepared the necessary correction may be made, and separate sunnuds issued without charge. A change in the name to be entered in a sunnud, lease, or deed of sale in perpetuity may of course be made gratis if intimated previous to the drawing up of the doccument.

T. C. HOPE.

No. 704 OF 1868.

FROM

N. B. BEYTS, ESQ.,
Acting Superintendent, Revenue Survey and Assessment, Gujrat,

To

T. C. HOPE, ESQ.,
Collector of Surat.

Superintendent's Office,
Surat, 13th July 1868.

SIR,

In compliance with the request conveyed in your Gujrati Yad No. 156, of the 17th April 1868, I have the honour to suggest

the following maximum rates should be adopted for rice and bagayet within the municipal limits of Surat :—

Rice, Soil, Rs. 13, Water, Rs. 17..... =30 Rs.
Bagayet, Soil, Rs. 15, Well Kussur, Rs. 20... =35 „

2. You are aware a jerayet rate of Rs. 13 has already been sanctioned, I have, therefore, simply maintained the proper proportion.

3. Considering all the land within the city, except half a beega, is alienated, a settlement of two annas in the rupee will hardly be felt.

4. The settlement, however, cannot be undertaken before the area is obtained by Mr. Summers' establishment.

I have the honour to be,
Sir,
Your most obedient Servant,
N. B. BEYTS,
Acting Superintendent, Revenue Survey
and Assessment, Gujrat.

No. 1393 OF 1868.

Copy forwarded to the Revenue Commissioner, N.D., for sanction.

T. C. HOPE,
Collector.

Surat, 16*th July* 1868.

Revenue Survey and Assessment.

No. 3301.

REVENUE DEPARTMENT.

Bombay Castle, 31*st August* 1868.

Letter from the Officiating Revenue Commissioner, N.D., No. 3712, dated 15th August 1868.—Recommending for sanction, with reference to the Rules for the assessment of lands in the cities of Surat, Broach, and Balsar, sanctioned in Government Resolution No. 862, dated 28th February 1867, the rates proposed by the Superintendent, Revenue Survey, Gujrat, for rice and wet crops.

RESOLUTION.—Sanctioned.

(Signed) F. R. S. WYLLIE,
For Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

2nd Assistant Collector's Office,
Surat Castle, September 10th, 1868.

MEMORANDUM.

With reference to the Collector's query respecting the value of the City Survey Sunnuds, both as a security to the parties and a protection to the public for the future, the undersigned would beg to remark that as little more than a year has elapsed since the issue of these sunnuds commenced, there has not been time for their value to become practically manifest.

But it is quite clear that a document granted by the first authority in a zilla showing that, on a certain date, a particular person was ostensible owner and in actual possession of a piece of land specified as to size and position beyond the possibility of mistake, must be a very valuable security both to the parties and to the public. Its light will enable the Municipal authorities to detect at once any encroachment on the road or other public land. The chief cause of boundary disputes between private parties is the absence of distinct and unimpeachable evidence as to the size and position of holdings, owing to the absurdly loose way in which native title deeds are worded, and this also constitute the chief difficulty in deciding such disputes when they come before the Courts of Law. The undersigned, since he has had charge of this office, has spent an immense deal of time to no purpose in trying to discover what pieces of land many of the documents, Persian and Gujrati, daily produced before him, are intended to describe.

It is evident that the issue of sunnuds which remove all room for doubt as to the actual boundaries at a certain fixed date will very materially assist justice and lessen litigation.

In proof that the value of these sunnuds is, even so early as this, not unappreciated by the people, witness the disputes constantly arising and eagerly followed up to decision as to whose name shall be recorded in the sunnud, and the fact that when property is entered in the names of several joint sharers, all of them sometimes apply to pay the fees and receive duplicate sunnuds. Another noticeable fact is that mortgagees who from loss of title deeds or other cause are dissatisfied with their security sometimes apply for leave to pay the fee and take out a sunnud in the owner's name.

The undersigned believes that these considerations will show sufficiently clearly that the survey sunnuds are most valuable documents in themselves, and that their value is being quickly understood and appreciated by the people.

(Signed) A. D. CAREY,
2nd Assistant Collector.

This should be printed for circulation, and with it may be printed the memorandum of the Collector of Ahmedabad (Mr. Hope), dated June 3rd, 1863, showing the necessity for, and nature of, the survey then proposed for the City of Ahmedabad.

B. H. ELLIS.

11th September 1868.

No. 2048 OF 1868.

To

A. D. CAREY, ESQ.,
Enquiry Officer.

Camp Jehangirpoora, 14th November 1868.

SIR,

I have the honour to request that you will be so good as to insert in all future ruza-chitees a proviso that they will be null and void at the expiration of eighteen months from the date they bear, and must be renewed before any building not commenced within that period can be proceeded with.

T. C. HOPE.

REVENUE DEPARTMENT.

Bombay Castle, 10th February 1869.

His Excellency the Right Honourable the Governor in Council having notified that Bombay Act IV. of 1868 shall take effect within the municipal limits of the cities of Surat and Broach and the town of Balsar, notice is hereby given as follows:—

1*st*.—The rules for assessment sanctioned for the city of Surat by Government Resolution No. 862, of February 28th, 1867, and applied to the city of Broach by Government Resolution No. 2234, of June 10th, 1867, and to the town of Balsar by Government Resolution No. 1696, of April 29th, 1868, are hereby prescribed as the rules according to which assessment shall be imposed under Section III. of the above mentioned Act.

2*nd*.—The survey of the city of Surat, which was completed in or about the year 1821, is recognised by Government for the purposes of Article 1, Clause 1, Section V. of the above mentioned Act.

3rd.—The officers mentioned in the schedule to Bombay Act VII. of 1863 in the district subject to them and, under the British Government, the Collectors and Sub-Collectors, or other authorities superior to them, are recognised for the purposes of Article 3, Clause 1, of Section V. of the above mentioned Act as having been competent to issue deeds of grant or confirmation of partial or entire exemption from payment of Government Land Revenue.

4. The fee to be charged for each sunnud under Section X. of the above mentioned Act shall be Rs. 2, provided always that it shall be in the discretion of the Collector to reduce the fee to one rupee for special reasons to be recorded in writing.

5. The fees to be charged under Section XIII. of the above mentioned Act shall be eight annas for an extract from the register, and Rs. 5 for a copy of an extract from a map.

The above provisions shall apply to all the above named cities of Surat and Broach and the Town of Balsar.

By order,
F. S. CHAPMAN,
Chief Secretary to Government.

No. 2946 OF 1872.

To

L. R. ASHBURNER, ESQ., C.S.I.,
Revenue Commissioner, N.D.

Surat, 31*st December* 1872.

SIR,

I have the honour to request that you will be so good as to submit to Government the following remarks upon the correspondence regarding the City Survey of Surat which has taken place in my absence.

2. On the 12th July last Government were led, by information placed before it, to decide (Government Resolution No. 3367) that "it needs no further argument to prove that the Surat City Survey and Enquiry into titles is and must be financially a failure."

3. In consequence of this decision Government directed, in Resolution No. 5365 of October 28th, that the operations with Government establishments should be brought to a close, but proposed to the municipality to make over to them the "full proceeds"

of the survey, comprising the assessment of two pies on Government lands, the sunnud fees, and the Summary Settlement cess, provided they would complete the survey and enquiry at their own expense, the offer being subject to the confirmation of the Government of India.

4. This proposal has been accepted by the municipality subject to certain conditions which were considered not unreasonable by my *locum tenens*. His report on the subject No. 2467 of November 12th has not yet been disposed of by Government.

4. The City Survey of Balsar was considered by Government (Resolution No. 858 of February 26th, 1872) to be a "very successful operation," and Government were pleased to record the following remarks :—

"His Excellency in Council fully concurs in the commendation that has been bestowed on Mr. Carey for the careful and successful manner in which he has carried out these operations, and Mr. Hope also is entitled to great credit for establishing and working out the system of City Surveys which has in Gujrat been attended with such good results."

I now submit that the City Survey of Surat is as successful an operation hitherto, and certain to be attended with as good results, as that of Balsar. Were the fact otherwise, Mr. Carey and I would not have so failed in our duty as not to have long ago brought it to the notice of our superiors. I much regret that Government should have been troubled and the survey operations impeded, by inaccurate and incomplete information, submitted under a misapprehension, which apparently justified a different conclusion.

6. The figures of Mr. DeSouza's report were as under :—

Receipts.	Cash.	Rents Capitalised.	Total.	Expenditure.	Enquiry.	Survey.	Total.
Government—				Government—			
Past	4,217	8,683	12,900	Past	3,047	36,387	39,434
Future ...	7,794	26,040	33,834	Future ...	4,176	12,324	16,500
Total Govt.	12,011	34,723	46,734	Total Government.	7,223	48,711	55,934
Municipality—				Municipality—			
Past	59,496	...	59,496	Past	5,392	70,795	76,187
Future ...	51,211	...	51,211	Future ...	6,960	34,320	41,280
Total Municipality	1,10,707	...	1,10,707	Total Municipality	12,352	1,05,115	1,17,467
Grand Total..	1,22,718	34,723	1,57,441	Grand Total...	19,575	1,53,826	1,73,401

The result of these figures is obviously that given in the Government Resolution, viz., a loss of Rs. 9,200 to Government and Rs. 6,760 to the Muncipality, or Rs. 15,963 in all, plus the cost of Enquiry Officers.

7. It is to be regretted that these calculations were not subjected to rigid scrutiny before the subject was laid before Government, and that subsequently, when they had been so scrutinised, the discrepancies they contained were not reported, and apparently not realised.

8. When the Government Resolution No. 3367 of July 12th was laid before the municipality, they appointed on August 28th a Sub-Committee to find out how matters really stood, consisting of Messrs. Ollivant, Oomedram Anundram, Ambalal Sakerlal (M.A.), DeSouza, Goolabdas Purshotumdas, and Ruttonshaw Pestonjee. Their report, dated September 28th, is a very lucid document, and affords the following results :—

Receipts.	Cash.	Rents Capitalised.	Total.	Expenditure.	Enquiry.	Survey.	Total.
Government—				Government—			
Past	4,409	13,100	17,509	Past	3,568	39,894	43,462
Future ...	15,253	45,322	60,575	Future ...	5,856	1,344	7,200
Total...	19,662	58,422	78,084	Total...	9,424	41,238	50,662
Municipality—				Municipality—			
Past	63,825	47	63,872	Past	6,547	74,274	80,821
Future ...	75,089	...	75,089	Future	...	16,318	16,318
Total...	1,38,914	47	1,38,961	Total ..	6,547	90,592	97,139
Grand Total...	1,58,576	58,469	2,17,045	Grand Total...	15,971	1,31,830	1,47,801

Thus there will be, according to the Committee, a gain to Government of Rs. 27,422, and to the Municipality of Rs. 41,822, or a total of Rs. 69,244. In other words, Government will get 54 per cent. and the Municipality 43 per cent. upon their respective actual outlays.

9. I append a brief memorandum showing the causes of these great discrepancies, from which it will appear that the principle of calculation is the same as in Mr. DeSouza's returns except in one instance, where the Committee have adopted 25 years' purchase, instead of 20 years, in capitalising the annual rents.—In this they seem correct, as Government 4 per cent. paper is now above par; but the 20 years' rate would still leave Government a past profit

under that head of Rs. 11,682, instead of Rs. 13,100. I think that the Committee's figures, as deduced above, may be thoroughly depended on as far as they go, for it comprised at least two members who were no friends to the survey, as also Mr. DeSouza, who concurred in the corrections of his own previous hasty miscalculations, and it had a competent and unprejudiced Chairman in Mr. Ollivant, who had no previous connection with the survey.

10. I have said that these statistics may be depended on, *as far as they go*, because I now propose to point out certain further emendations of which they are susceptible. In the first place, the annual proceeds of the Delhi Gate road in future and of the Railway suburb lands, past and future, have been omitted, owing apparently to a misconception of the scope of my letter No. 2350, of October 28th, 1869, and Government Resolution No. 132, of January 7th, 1870. I then argued that the sale proceeds of occupancy of these lands, which were assigned for special purposes quite irrespective of, and mostly anterior to the survey, should not be thrown in as results of the latter, but my objection was not meant to reach the annual income, which arises through the 99 years' lease system introduced by myself as a part of the City Survey, and legalised in Act IV., 1868. As the survey expenses now shown include the survey and mapping of these lands, it is perhaps reasonable that the income also should appear. The capitalised value, to be added to the Government profit, is consequently Rs. 18,150. The past income of the Delhi Gate road has already been included in the previous figures.

	Present.	Future.	Total.
Delhi Gate Road	.....	16	16
Railway Suburb	478	232	710
Grand Total.....	478	248	726

11. A further emendation which may be made is by employing three Enquiry Officers instead of two, of whom two should be Fifth Grade Deputy Collectors on Rs. 300, costing consequently scarcely more than one of the present officers. The advantage of three officers has been pointed out by the Committee and urged on Government in paras. 6, 7, and 8, of Mr. Shaw Stewart's No. 2114 of October 5th. Three officers will complete the work in 1y. 9m. instead of 2y. 8m. with a reduction of cost to Government of Rs. 2,475 and to the Municipality of Rs. 478.

12. I would further support the recommendation of the Committee that a higher rate of fee should be charged in the case of certain vacant lands, the claimants of which will derive immense advantage from the less elaborate enquiries which will in future be made in such cases. I would also recommend a higher fee where one sunnud contains, as often happens, a number of subordinate

properties or "pot numbers" each involving a separate decision. The increase of summud fees from these sources may be put roughly at fully Rs. 3,000.

13. I likewise observe that the vacant land already adjudicated on and transferred to the charge of the revenue authorities under the old term of Killa Bazar has been overlooked. This amounts to fully 28,246 square yards, much of it in good parts of the town, and may be valued at Rs. 14,123, besides the yearly income of Rs. 295 at the usual rate, or Rs. 7,375 capitalised.

14. The totals of para. 8 amended as suggested in the preceding four paragraphs, will be as shown in the margin, giving Government a return of 114 per cent. and the municipality one of 61 per cent. for their respective outlays.

	Receipts.	Expenditure.	Profit.
Government	1,03,609	48,187	55,422
Municipality.....	1,56,084	96,661	59,423
Total.....	2,59,693	1,44,848	1,14,845

15. I have now to bring to notice a most important item in any calculation of this sort which appears to have been entirely overlooked by all the local officers who have dealt with the question on this occasion, namely, the reversionary rights over leased lands which will accrue at the end of 99 years. Every lease granted in the city (and the number issued already is about 160) contains the clause quoted marginally, securing the imposition of a fresh assessment, as also the payment of a fresh fine for occupancy, with the alternative of surrender of the lands. It is obvious that with the consent of both parties the fine may be merged in an enhanced assessment, or the assessment redeemed by an enhanced fine, if that course should then be preferred.

* If the said term should not become forfeited under any of the preceding clauses of this lease, but should expire by effluxion of time, the said . . . heirs, successors, legal representatives, and assigns, shall have a renewal of the said lease for further successive periods of ninety-nine years in perpetuity on consenting to pay the annual rate which may be assessed on the said land at a general revision of assessment at the commencement of such periods, as also a premium to be fixed by Government for the continuance of the right of occupancy for each such period, and if the said..... heirs, successors, legal representatives, and assigns shall not assent to or comply with such terms, Government shall, at the expiration of the then expiring period of ninety-nine years, enter upon and take possession of the said demised premises, and the said.... ... heirs, successors, legal representatives, and assigns, shall, at the expiration of the said term, or within six calendar months after Government shall have given notice of the terms on which it is willing to renew the lease, clear off all buildings and erections that may be upon the said demised premises, unless the Collector and the said..... .....heirs, successors, legal representatives, and assigns shall in the meantime agree upon a valuation to be put upon the said buildings and erections, and the Collector shall assent to take them at such valuation.

16. This reversion now belongs to Government. It was considered an important element in the adjustment of City Survey expenses which took place in 1867, and cannot now with propriety be overlooked. Its value cannot, of course, be estimated with any approach to accuracy at this date, but if we consider that the mere occupancy of land already leased has realised about Rs. 66,000 up to date, it is perhaps no exaggeration to say that unless Western India be depopulated by fire and sword the rights of both re-assessment and re-sale of occupancy will at the end of the term be worth several lakhs of rupees. Through the completeness of the survey records they will then be readily distinguishable. To secure them alone, to say nothing of the other advantages urged on the Legislative Council at the passing of Act IV. of 1868, it would be worth, while, I respectfully submit, even to continue the survey at a loss, much more is it so when it will yield a clear pecuniary gain. At any rate it is not much if Government be accounted to give in return for them the services of two or three Enquiry Officers whom, as it happens, they can spare without incurring a single rupee of additional expense.

17. It remains for me to show the financial effect of the arrangement offered to, and provisionally accepted by, the municipality :—

Receipts.	Cash.	Rents Capitalised.	Total.	Expenditure.	Enquiry	Survey.	Total.
Government—				Government—			
Past ...	4,409	...	4,409	Past ...	3,568	39,894	43,462
Future ..	19,200	..	19,200	Future ..	.	...	.
Total. .	23,609	.	23,609	Total...	3,568	39,894	43,462
Municipality—				Municipality—			
Past ...	63,825	13,147	76,972	Past ...	6,547	74,274	80,821
Future ..	1,04,465	70,847	1,75,312	Future... ..	25,056	17,662	42,718
Total...	1,68,290	83,994	2,52,284	Total .	31,603	91,936	1,23,539
Grand Total...	1,91,899	83,994	2,75,893	Grand Total .	35,171	1,31,830	1,67,001

It will be seen that Government, even after making a gain of Rs. 19,200 by charging the municipality for the services of the Enquiry Officers, will have a cash loss of Rs. 19,853 instead of the gain of Rs. 55,422 shown in para. 14, while the municipality will gain Rs. 1,28,745 instead of Rs. 59,423, and also become proprietors of the valuable reversion of the leased lands. The latter ap-

pears to be involved in the terms offered, and equitably so, as the municipality incur all risk and make heavy present outlay which they will have to raise a loan to meet.

18. As Government will no doubt wish to have the above calculations verified in the best possible manner, I have submitted them to those of the late Sub-Committee who are now present in Surat, and subjoin their report of full concurrence (Appendix B). It only remains for me to mention that I find the sale of land going on steadily at a reasonable rate, and that the important suit affecting the levy of sunnud fees, referred to in Mr. Shaw Stewart's No. 2022 of September 23rd, was decided on the 23rd instant in favour of Government.

19. In conclusion, I trust that Government will consider the proposition in para. 5, that the Surat Survey is in a satisfactory condition, to have been substantiated, and I would also respectfully suggest that Government, in consequence of the further information now before it, might re-consider its former decisions and revert to the *status quo*, under which it will secure the advantages set forth in para. 14., and the reversionary rights, for the trifling outlay, as hitherto, of Rs. 225 per mensem, or about Rs. 4,725 in all, spread over nearly two years, together with the services of three Enquiry Officers.

I have, &c.,
T. C. HOPE,
Collector.

APPENDIX A.

Memorandum showing the principal causes of discrepancy between Mr. DeSouza's original figures and his revised ones contained in the Committee's report.

1. The Committee bring the account down six months later to September 30th.

2. *Work done and to be done.*—There was a considerable under-estimate of both.

3. *Sunnud Fees.*—These were considerably affected by the above under-estimate.

4. *Sale of Lands.*—The Committee have taken only one-fourth of the lands at present unclaimed, and priced them at 8 annas per yard, which is half the present usual minimum. Mr. DeSouza put them at 4 annas only, which reduction was unnecessary in addition to that of ¾ths of the area.

5. *Establishment.*—Mr. DeSouza calculated for the Survey and Enquiry continuing for 4 years with a large establishment, which the abridged method of working and increase of Enquiry Officers show to be unnecessary.

6. There was a large error in the amount of Summary Settlement.

APPENDIX B.

To

T. C. HOPE, Esq.,
Collector, and President, Surat Municipality.

Surat, 24th December 1872.

Sir,

We have the honour to inform you that we have carefully examined your draft report on the City Survey. The statistics given in para. 8 correspond precisely with our estimate, after the correction of a slight inaccuracy regarding the amount of full assessment derivable by Government, which was detected after our report was written. We have no objection to offer to the emendation proposed in para. 10, and the suggestions in paras. 11 and 12 are in entire accordance with the view which we previously took. Had we not been misinformed as to the extent of land adjudicated on, the sum of Rs. 295 inserted in para. 13 would undoubtedly have been added to our statement of the receipts. The summary given in para. 14 is therefore quite correct.

2. We much regret that an item so important as that referred to in your 15th paragraph should have been allowed to escape our attention, and we are glad to have this opportunity of expressing our concurrence in the remarks you have made on this subject.

3. The figures in the final summary (para. 17) are correct, and the entries correspond with the explanations given in the preceding paragraphs.

We have, &c.,
E. C. K. Ollivant.
Oomedram Anundram.
Gulabdas Purshotumdas.
Ratansha Pestonjee.

City Survey.

No. 584.

REVENUE DEPARTMENT.

Bombay Castle, 31st January 1873.

Letter from the Revenue Commissioner, N.D., No. 123, dated 11th January 1873.—Forwarding copy of a letter from Mr. Hope, Collector of Surat, from which it will be seen that the information on which Government Resolution No. 5365, dated 28th October 1872, directing the City Survey of Surat to be brought to a close so far as it was conducted by Government officers was passed, was derived from imperfect and erroneous data; and that up to 28th September 1872 the Survey had not only paid its expenses, but had yielded a revenue of Rs. 27,422 to Government and Rs. 41,822 to the municipality, or a profit of Rs. 54 and 43 per cent., respectively, on the outlay; and requesting, under the circumstances stated, a re-consideration of the subject, Mr. Hope's request to revert to the position of affairs previous to the late Resolution being acceded to, which will involve the trifling expenditure of Rs. 225 per mensem, or about Rs. 4,725 in all, during two years and the services of three Enquiry Officers, two of whom will be Fifth Grade Deputy Collectors on Rs. 300.

RESOLUTION.—Both the City Survey Officer who framed the report submitted with Mr. Shaw Stewart's letter No. 1134, of the 2nd June 1872, and the Superintendent of Survey through whom it was sent, are to blame for not more carefully scrutinising the figures which led Government to pass their Resolution No. 3367, of the 12th July last. Those now submitted show a profit of 54 per cent. to Government on the outlay and of 43 per cent. to the municipality in place of a loss of Rs. 9,200 to Government and of Rs. 6,760 to the municipality arrived at from the former. Allowance must be made in this for the calculation by which rents, &c., have been capitalised at 25 instead of 20 years' purchase as taken in the former Resolution. But even at the latter rate there would still be a profit of Rs. 11,682 in place of one of Rs. 13,100 at the former.

2. Government concur with the Collector that the extra sources of profit mentioned in the 10th, 12th, and 13th paras. of his letter, as well as the reversionary rights over leased lands accruing at the termination of the leases for 99 years noted in para. 15, may fairly be taken into the calculation. When the calculation is thus amended it becomes evident that the offer made to the municipality in para. 6 of Resolution No. 3367 of 1872 was far more liberal than they had any right to expect, or than would have been made if the state of the case had been correctly placed before Government. That offer must therefore now be withdrawn, and, as recommended by the local officers, the *status quo* reverted to.

3. Government concur with the Collector that it will be advantageous to employ three, in place of two, Enquiry Officers. The opportunity of the appointment of Mr. Trevor as an Assistant to the Collector may be made use of to place him on this enquiry, as his present state of health is too delicate to admit of his having charge of talukas. The Revenue Commissioner may be asked, in connection with his letter No. 264, dated 18th January, whether the services of Messrs. Manekjee Cowasjee or Shunker Pandoorung can be spared for this work from Khandesh, their places being supplied by Supernumerary Collectors.

4. Mr. Hope has not stated what higher fees for sunnuds he would propose to be charged for the two classes of cases mentioned in the 12th para. of his letter. This he should now be requested to do through the Revenue Commissioner, N.D.

(Signed) E. W. RAVENSCROFT,
Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.
The REVENUE COMMISSIONER, S.D.
The ACCOUNTANT GENERAL.
The COLLECTOR of SURAT.

REVENUE DEPARTMENT.

Bombay Castle, 21*st April* 1873.

His Excellency the Governor in Council is pleased to direct that the undermentioned fees be levied under Section X. of Bombay Act IV., 1868, for sunnuds issued in the City of Surat, in supersession of the rate fixed in para. 4 of the Government Notification of 10th February 1869 :—

I.—Sunnud for a single number or comprising not more than two subordinate properties or "pot" numbers. Rs. 2
Ditto comprising three or four do. ..... „ 3
Ditto five or six do. ..... „ 4
Ditto seven and upwards do. ..... „ 5

II.—Provided always that the fee for a sunnud granted for lands vacant prior to 1836, and now vacant or held for less than 5 years previous to the introduction of Bombay Act I., 1865, or IV., 1868, shall be as under :—

If comprising a single number or not more than two "pot" numbers ..... Rs. 4
Ditto more than two ditto ..... „ 5

III.—Provided, likewise, that it shall be in the discretion of the Collector to reduce the fee in any case to one rupee for special reasons to be recorded in writing.

By order,
F. S. CHAPMAN,
Chief Secretary to Government.

No. 1303.

To

THE REVENUE COMMISSIONER, N.D.

Camp Teethul, 18th May 1873.

SIR,

As promised in para. 12 of my No. 713, of 12th March 1873, I have the honour to address you on the subject of the custody of vacant lands and records, and the sale of the former, in towns and cities under the operation of the City Survey Act.

2. In one of the three surveyed cities in this collectorate—Balsar—the cash receipts are already in excess of the expenditure actually incurred. But still the full financial benefits to be derived depend mainly upon the future. The sums yet to be realised in each are shown in the margin. But I find that, though the surveys of Balsar and Ránder have been complete for above a year, scarcely a yard of land has been sold since the Enquiry Officer left the place. In Surat the sales effected last year, 1871-72, fell to Rs. 2,673-14-6, and Mr. Shaw Stewart reported, in his No. 1134, of June 3rd, 1872, that "the demand for land in Surat seems to be abated, and the future realisations will be chiefly confined to sunnud fees."

City.	Government.	Municipality.	Total.
	Rs.	Rs.	Rs
Surat	74,150	92,212	1,66,362
Balsar	21,455	48,990	70,445
Ránder	22,669	29,893	52,562
Total	1,18,274	1,71,095	2,89,369

3. Not only has there thus been no progress, but even the records of what has been done are in danger of being lost. At Balsar I found that, on what was called the completion of the survey, the fair maps were left by Mr. DeSouza, duly countersigned but merely drawn, neither the numbers or names having

been put in. The old maps were grievously torn and defective. Moreover, even these, as also the registers, had got dispersed for various reasons, some being with the Chorasee Mamlutdar, some with the Government Pleader, and some absolutely missing. The records at Balsar were partly in the Assistant's bungalow and partly with the Municipal Secretary. Nobody seemed accountable for them. After three months' trouble they have now been pretty well collected.

4. The above state of torpor is not owing to any lack of desire to buy land. Whenever I run into Surat even for a day I find purchasers waiting for me, and now at Balsar there are several. But the cause clearly is that the Assistant Collectors, who are theoretically in charge of the survey work, are rarely at the towns of Ránder and Balsar, and that both there and in Surat some person on the spot is required whose special duty it is to attend to the whole affair.

5. This person must be a Government officer, because the lands are the property of Government—Government owns the annual two pie assessment, and will also come in for the reversion after 99 years. The exclusive rights of Government and absence of any authority on the part of municipalities, have been clearly laid down in the "Rules for assessment" (Government Resolution No. 867, February 28th, 1867, Nairne's Handbook, p. 142). At the same time, the municipalities derive so large a pecuniary return from the proceeds of occupancies that they may well bear a considerable proportion of the cost of such an officer. In fact, they already do so, as in Surat there has been for some time a "Survey Daroga" with a peon, costing the municipality Rs. 57 per mensem, and Balsar and Ránder have lately agreed to Rs. 25 and Rs. 20 per mensem, respectively, for a similar purpose. Government likewise now maintain a talatee and havildar at each place, who now attend solely to the cultivated lands.

6. The arrangement I beg to propose is as follows :—

1. The general supervision of all Government lands in a surveyed city shall rest with the Assistant Collector in charge of the taluka, subordinate to the Collector. He shall have such powers regarding sales of land as may from time to time be delegated to him by the Collector.

2. The charge of all such lands, and the custody of the survey records, as also the duty of selling, leasing such lands, &c., shall rest in the first instance with the Mamlutdar (just as such duties regarding cultivable lands in the taluka generally already do).

3. The rules to be observed regarding the management of such lands, shall be those already in force under Government Resolution No. 867, of February 28th, 1867.

4. To assist the Mamlutdar there shall be a subordinate establishment as under :—

City.	Lands Daroga. Rs. per mensem.	Assistant Daroga.	Havildar.	Contingencies.	Total.
	Rs.	Rs.	Rs. a. p.	Rs.	Rs. a. p.
Surat	40	15	7 0 0	5	67 0 0
Balsar	25	20	4 4 0	3	52 4 0
Ránder	20	20	4 4 0	3	47 4 0

5. The members of the above establishment shall be entitled to pension, compassionate allowance, or gratuity, as the case may be, like other Government servants.

6. The city records relating to lands of every kind shall be deposited in the Mamlutdar's Kutcherry, and the establishment shall work there under the Mamlutdar's orders when not engaged in the field.

7. It shall be the duty of the municipality to co-operate vigorously with the revenue authorities in the sale of lands, by obtaining purchasers and bringing encroachments to light. The municipalities of Surat, Balsar, and Ránder shall contribute monthly Rs. 50-8, Rs. 26-4, and Rs. 21-4, respectively, towards the expenses of the establishment.

7. By the above arrangement Government will be put to no additional monthly expense, as the existing revenue establishments are, as shown marginally. The only virtual increase is the right of pension to the Daroga, which is a trifle compared with the gain from the leasing of Government lands. A havildar or peon to carry maps and registers, hold the measuring chains, &c., is everywhere indispensable, and in Surat, where there is none, the Mamlutdar has to lend a peon. The Balsar and Ránder Talatees get Rs. 20 as they have a large extent of cultivated land to attend to.

City.	Talatee.	Havildar.	Contingencies.	Total.
	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Surat.....	15.	.....	1 8 0	16 8 0
Balsar	20	4 4 0	1 12 0	26 0 0
Ránder	20	4 4 0	1 12 0	26 0 0

8. Should these proposals be approved, I trust I may be favoured with early sanction, so that I may set all the scheme on foot, and watch its working during this monsoon.

T C. HOPE.

City Survey.

No. 3377.

REVENUE DEPARTMENT.

Bombay Castle, 13th June 1873.

Memorandum from the Revenue Commissioner, N.D., No. 2411, dated 23rd May 1873.—Forwarding, with an expression of his concurrence therein, a letter from the Collector of Surat (No. 1303 of 1873), who submits, for approval, the following proposals for the custody of vacant land and records, and the sale of the former in towns and cities under the operation of the City Survey Act in Surat :—

1. The general supervision of all Government lands in a surveyed city shall rest with the Assistant Collector in charge of the taluka, subordinate to the Collector. He shall have such powers regarding sales of land as may from time to time be delegated to him by the Collector.

2. The charge of all such lands and the custody of the survey records, as also the duty of selling, leasing such lands, &c., shall rest, in the first instance, with the Mamlutdar (just as such duties regarding cultivable lands in the taluka generally already do).

3. The rules to be observed regarding the management of such lands shall be those already in force under Government Resolution No. 862, of February 28th, 1867.

4. To assist the Mamlutdar there shall be a subordinate establishment as under :—

City.	Lands Daroga. Rs. per mensem.	Assistant Daroga.	Havildar.	Contingencies.	Total.
–	Rs.	Rs.	Rs. a. p.	Rs.	Rs. a. p.
Surat	40	15	7 0 0	5	67 0 0
Balsar	25	20	4 4 0	3	52 4 0
Ránder	20	20	4 4 0	3	47 4 0

5. The members of the above establishment shall be entitled to pension, compassionate allowance, or gratuity, as the case may be, like other Government servants.

6. The city records relating to lands of every kind shall be deposited in the Mamlutdar's Kutcherry, and the establishment shall work there under the Mamlutdar's orders when not engaged in the field.

7. It shall be the duty of the municipality to co-operate vigorously with the revenue authorites in the sale of lands, by obtaining purchasers and bringing encroachments to light. The municipalities of Surat, Balsar, and Ránder shall contribute monthly Rs. 50-8-0, Rs. 26-4-0 and Rs. 21-4-0, respectively, towards the expenses of the establishment.

RESOLUTION.—Mr. Hope's proposals are entirely approved, and may be at once adopted in anticipation of the sanction of the Government of India.

F. S. CHAPMAN,
Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.
The COLLECTOR of SURAT.
The ACCOUNTANT GENERAL.
The GOVERNMENT of INDIA (by letter).

City Surveys.

No. 4343.

REVENUE DEPARTMENT.

Bombay Castle, 29th July 1873.

Letter from the Government of India, Department of Agriculture, Revenue, and Commerce, No. 577, dated 14th July 1873.—Intimating, in reply to letter No. 3378—175-R, dated 13th ultimo, in the matter of certain arrangements sanctioned for the custody of vacant land and records and the sale of the former in towns and cities under the operation of the City Survey Act in Surat, that, on the understanding that the proposals contained in their (Government of India's) previous letter of 4th January last, No. 10, for making over to municipalities the State rights in waste or unclaimed lands within their boundaries will not be applied in the cases referred to, thus depriving Government of the income (Rs. 1,26,667) expected from the sale of such lands in these cities, they accept, on the part of the Imperial Government, the liability for pensions and gratuities involved in the entertainment of the additional establishments sanctioned by this Government at the expense of the Surat Municipalities.

RESOLUTION.—To be communicated to the Collector of Surat through the Revenue Commissioner, N.D., with reference to Government Resolution No. 4342, of this day's date.

F. S. CHAPMAN,
Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.,
The ACCOUNTANT GENERAL. } With copies of the letter.

Extract paras. 5 and 6 of Government Resolution No. 4700, dated August 18th, 1873, reviewing the Annual Report of the Superintendent, Gujrat Revenue Survey, regarding City Surveys.

5. It remains to notice the subject of Enquiry Officers, the employment of three of whom at Surat was sanctioned in paragraph 3 of Government Resolution No. 584, of 31st January 1873, but has only recently been carried into effect. His Excellency in Council considers that there can be no question of the greater economy of rapidly completing the enquiry with a sufficient number of officers, and will retain the individuals now appointed, or others in their places until their duties are fulfilled. But the exigencies of the public service no longer leave Supernumerary Assistant Collectors available who can be deputed to perform this duty without actual extra cost to the State or impairing the efficiency of its ordinary administration. At the same time it is not possible until the completion of the survey and the closing of the whole account, including the adjustment contemplated in paragraph 15 of the rules for assessment (Nairne's Hand Book, page 145) to decide whether the actual extra cost of Enquiry Officers, which must, in future, be brought strictly to account, should fall upon Government or the municipality, in accordance with the originally adopted principle that each should receive a return in proportion to its outlay.

6. Whatever officers, therefore, in excess of the ordinary staff of the collectorate are needed for the enquiry will be supplied, and their regular places filled up; but their pay and allowances, at the rate allowed to a Fifth Grade Deputy Collector, will be debited by Government to a suspense account, subordinate to the Gujrat Survey Budget, pending the winding up of the account above referred to. Should it then appear that the advance or any part of it does not proportionately fall on Government, it will be at once recovered from the municipality. This course will be submitted for the sanction of the Government of India.

BROACH.

No. 2269.

GENERAL DEPARTMENT.

Bombay Castle, 20th December 1865.

Letter from the Revenue Commissioner, N.D., No. 4361, dated 9th December 1865.—Stating that the survey at the City of Broach, as proposed in the correspondence which he embodies, is very desirable, and requesting sanction to the proposals therein made.

RESOLUTION.—The proposals are sanctioned.

2. Government presume the survey of Broach can be carried on simultaneously with that of the towns of Ahmedabad, Surat, and Balsar, and will not necessitate Mr. Summers being engaged on this special duty for a longer period than he would otherwise have been employed. It does not therefore appear necessary to apply to the Government of India for further sanction; should, however, such a necessity occur, a separate reference should made by the Revenue Commissioner, N.D.

H. E. JACOMB,
Under-Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.
The ACCOUNTANT GENERAL (with copy of Mr. Rogers' letter).

No. 2351 OF 1869.

REVENUE DEPARTMENT.

To

THE HONOURABLE M. J. SHAW-STEWART,
Acting Chief Secretary to Government, Bombay.

Matheran, 31st May 1867.

SIR,

With reference to the Resolution of Government noted in the margin, sanctioning rules for and rates of assessment of lands within the municipal limits of the town of Surat, I have the honour to solicit the sanction of His Excellency in Council to the former being made applicable to the town of Broach also, as proposed by the Local Officers.

No. 862, dated 28th February 1869.

2. The rates of assessment they think suitable are as follows:—

"For dry crop, Rs. 9, at 16 annas of the scale.
For garden land, Rs. 16.
For rice land, Rs. 9 for soil, and Rs. 6 for water, the former at 16 annas, and the latter at 24 annas of the scale."

Taking into consideration the circumstances of the town and the rates adopted in Surat, I think these are fair, and would accordingly recommend them for sanction.

3. Rules for enquiry into titles to land in Broach will be submitted for sanction hereafter.

I have, &c.,
(Signed) A. ROGERS,
Revenue Commissioner, N.D

Lands.

No. 2234.

REVENUE DEPARTMENT.

Bombay Castle, 10*th June* 1867.

Letter from the Revenue Commissioner, N.D., No. 2351, dated 31st May 1867.—Requesting, with reference to Government Resolution No. 862, dated 28th February 1867, sanctioning rules for, and rates of, assessment of lands within the municipal limits of the town of Surat, the sanction of Government to the former being made applicable to the town of Broach also, as proposed by the local officers, recommending the rates which these officers have proposed; and adding that rules for enquiry into titles to land in Broach will be submitted for sanction hereafter.

RESOLUTION.—The rules for assessment sanctioned by Government in the case of Surat, and the rates of assessment now proposed, may be introduced within the municipal limits of the Town of Broach. The rules for investigating titles will be awaited.

(Signed) H. E. JACOMB,
For Acting Chief Secretary Government.

To

The REVENUE COMMISSIONER, N.D.

No. 2543 OF 1867.

Poona, 14*th June* 1867.

Forwarded to the Collector of Surat for information and guidance, in continuation of this office No. 2367, dated 6th ultimo.

2. The Sub-Collector of Broach to be informed.

A. ROGERS,
Revenue Commissioner, N.D.

No. 937 OF 1867.

Surat Collector's Office, 17*th June* 1867.

True copies forwarded to the Sub-Collector of Broach for information and guidance; copies also to Mr. Summers.

T. C. HOPE,
Collector.

No. 1386.

Surat, 28*th August* 1867.

True copies of Collector's No. 477, of 11th April, and Government Resolution No. 2234, 10th June 1867, forwarded to the Acting Superintendent, Revenue Survey, in continuation of this office No. 1166, dated 9th instant, with a request that he will have the goodness to introduce the new cultivation rates this season.

T. C. HOPE,
Collector.

No. 1100 OF 1869.

To

THE SUB-COLLECTOR OF BROACH.

Camp Teethal, 22*nd May* 1869.

SIR,

I have the honour to inform you that on carefully studying the accompaniments to Mr. Hogg's No. 161, of January 26th, I find that the Broach "kiraya" lands are held on eight different sorts of tenure, as shown in the accompanying classified statement.

2. The first of these (A) applies to one holding only. It is clear that as long as the tenant keeps the bungalow on the land we can do nothing, except levy Rs. 15 annual rent from him.

3. The second (B) also applies to one holding, that of the Broach Cotton Mills. The condition is to pay the survey assessment, so that we have the power to raise the present nominal rent in the course of the present settlement. As the land is used for non-agricultural purposes of a special nature, Mr. Shumboo Prasad's attention will be drawn to it with the view of levying the building rate.

4. The third (C) exists in two cases, one an encroachment, the other under an agreement to pay whatever rent Government fixes. In both the occupancy and right to increase the rent are clearly with Government, and as the holders have agreed to pay the full new assessment of one anna there is no dispute to settle.

5. The fourth (D) applies to four cases where the lease was only for a year, but the parties have since been left in possession on the same terms.

6. The fifth (E) comprising 16 cases (two having resigned possession) is where the agreement is to relinquish the land whenever Government requires. This is exactly similar to the Surat Killa Bazar land. Government possess both the occupancy and the right to increase, and the one anna rate can therefore be imposed. Eleven have already agreed to it; the remaining five should be served with notices either to pay it or vacate, and it can be levied as a revenue demand from them while they continue to occupy.

7. The sixth (F) is found in 25 cases (four having relinquished possession) and is under agreement to pay a certain annual rent as long as the tenant holds the land. But no term of holding is specified, and after careful consideration, I think, the lease is therefore only what is termed "for a year." The occupancy and right of increase therefore rest with Government. Fifteen holders have already accepted the new rate, and the rest can be dealt with like those referred to in the last paragraph.

8. The seventh (G) applies to ten cases. Here a certain sum has been paid at an auction sale or by private agreement, but it is not clearly stated in the deed what sort of occupancy it was paid for—whether for the right to occupy subject to revision or merely the right to become a yearly tenant. The absurdly low sum (sometimes 8 annas or a rupee) which has been paid favours the latter view, but in any case the right of revision remains with Government, as in that of all cultivated lands of which the occupancy is sold. Four accept the new rates, four refuse, and in one case the old rate is levied in preference as being higher. As there is some doubt about the nature of right, and it would be difficult to treat some differently from others, I think all these cases should be treated in the same way as those which will be referred to in my next paragraph (*vide* opinion in para. 13).

9. The eighth (H) comprises 200 cases (14 holders having vacated and one paying the old rate because higher). In these there has been long possession, but no agreements at all are forthcoming. In their absence there seems no reason to doubt that the holders must be treated exactly as if they were ryots in a village not yet settled by the survey, that is, that the occupancy is their's, but that they are liable to have their rent increased at the pleasure of Government.

10. The question now arises, to what extent can the rent be fairly increased? Two pies per square yard, the rate adopted in sales for 99 years, is apparently too low, for 93 holders have agreed to pay the full rent of one anna. On the other hand, Mr. Hogg states that 107 have refused to do so, but I note that many of these had previously agreed before Mr. Summers. Had his arrangement been promptly carried out instead of being thrown aside for a year, perhaps they would have held to their agreements, and possibly they would again do so if the matter were carefully explained to them. It is probable that the good situation of the sites, and the fact that they have been obtained in former times without payment for the occupancy render them able to bear a much higher rate than they otherwise could.

11. There is a difficulty to be noted in fixing any rate lower than one anna, that it would be necessary to reduce the payments already actually agreed to. At the same time one anna is probably really too high for some localities.

12. On the whole it appears that two courses are open: (1) that the Assistant Settlement Officer (Mr. Shumboo Prasad) should visit the whole of the sites personally, and classify them, as he would soils, into three or four classes, to each of which a certain rate should be assigned; (2) that all future and present complications should be avoided by allowing the holders to redeem in perpetuity, by private agreement and sale, the present right of Government to assess them. If the sales were effected on an average at the established minimum of one rupee per square yard, the capital would almost represent a one anna rate.

13. The second course would be rather troublesome at the time, though not much more so than the first, but it would save all further difficulty to the people, and therefore be popular, and you could probably carry it out during the rains with the aid of your Deputy Collector as I have the extensive sales in Surat.

14. If you will favour me with your opinion on this letter, I will then submit the question for the decision of Government.

T. C. HOPE.

ACCOMPANIMENT to Collector's

Figures.	NATURE OF TENURE.	Number of Tenants.	Old Assessment.			Number of Square Yards.	New Assessment.	
1	2	3	4			5	6	
			Rs.	a.	p.			
A	Condition to pay the annual assessment as long as he keeps the building on the land.	1	15	0	0	744	46	8
B	Do. to pay the survey assessment, when fixed.	1	1	0	0	1,579	98	11
C	Agreement to pay any amount fixed by Government.	1	0	2	0	19	1	3
	New encroachment	1	.....			46	2	14
D	Agreement for a year only	4	6	0	0	556	34	12
E	Condition to pay the annual assessment, till Government orders to relinquish the possession.	18	14	2	0	1,637	102	5
F	Do. as long as the land is used by the lease.	29	17	1	0	1,850	115	10
G	Occupancy has been purchased at auction sales, on condition to pay the annual assessment.	10	11	7	8	1,736	108	8
H	Agreement not forthcoming	215	172	12	8	38,974	2,440	14
	Total ...	280	237	9	4	47,141	2,951	5

No. 1100, *dated the* 22*nd May* 1869.

Agreeing to pay the new Rates.		Not agreeing to pay the new Rates.		Possession have been relinquished.		Old Assessment being more than the new one the former is levied.		
No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	
7	8	9	10	11	12	13	14	15
	Rs. a.		Rs. a.		Rs. a.		Rs. a.	
...	...	1	46 8	...	...	...	...	
...	...	1	98 11	...	...	...	...	
1	1 3	...	...	...	...	...	...	
1	2 14	...	...	...	...	...	...	
4	34 12	...	...	...	...	...	...	
11	29 14	5	68 9	1	2 0	1	1 14	
15	48 12	10	55 12	4	11 2	...	...	
4	17 10	5	88 9	...	...	1	2 5	
93	583 0	107	1,761 7	14	95 13	1	0 10	
129	718 1	129	2,119 8	19	108 15	3	4 13	

T. C. HOPE,
Collector.

No. 1520 of 1869.

From

The COLLECTOR of BROACH,

To

The Honourable A. F. BELLASIS,
Revenue Commissioner, N.D.

Broach, 6th August 1869.

Sir,

I have the honour to forward herewith copy of letter No. 1100, dated the 22nd May 1869, from the Collector of Surat, on the subject of the Broach kiraya lands, and to request that you will obtain the sanction of Government to my giving effect to the views therein expressed.

2. In regard to para. 7 of the above quoted letter, I beg to say that I was at first doubtful as to the correctness of the opinion therein given, but my doubt was removed by Mr. Hope informing me that his views had been concurred in by two Vakeels of the High Court to whom he had submitted the leases referred to in the paragraph in question.

3. In regard to the second course proposed in para. 12 of Mr. Hope's letter, I presume that the offer to redeem in perpetuity is not, as a rule, to be made so long as there is a readiness shown to purchase exemption for 99 years, and that, moreover, in any particular case where a difficulty may be experienced in disposing of the land, as recommended by Mr. Hope, the annual levy of the enhanced rates may be resorted to instead.

I have, &c.,
(Signed) J. G. WHITE,
Collector.

No. 4254 of 1869.

Poona, 4th September 1869.

Forwarded to T. C. Hope, Esquire, Collector of Surat, for the favour of his opinion.

The Revenue Commissioner does not understand what is meant by the words "to purchase exemption for 99 years" occurring in para. 3 of Mr. White's letter.

(Signed) A. F. BELLASIS,
Officiating Revenue Commissioner.

Lands.

No. 4599.

REVENUE DEPARTMENT.

Bombay Castle, 26th October 1869.

Memorandum from the Revenue Commissioner, N.D., No. 4956, dated 7th October 1869.—Submitting, for orders, a correspondence from the Collectors of Broach and Surat regarding the kiraya lands in the former city, with a recommendation that the settlement proposed by Mr. Hope in respect of them be approved and sanctioned.

RESOLUTION.—The offer to have the rent of these lands redeemed in perpetuity by the payment once for all of a minimum of one rupee per square yard may be made.

2. In cases where it is not accepted each plot must be assessed and classified. The rates so fixed must be submitted for the sanction of Government.

(Signed) F. R. S. WYLLIE,
For Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

No. 5484 OF 1869.

Poona, 1st November 1869.

Forwarded to the Collector of Surat for information.

A. F. BELLASIS,
Officiating Revenue Commissioner, N.D.

No. 2421 OF 1869.

Surat, 10th November 1869.

Copies forward to—

A. D. CAREY, Esq., Enpuiry Officer,

H. H. SUMMERS, Esq., in charge City Survey, for information.

T. C. HOPE,
Collector.

No. 1195 of 1872.

To

THE SECRETARY TO GOVERNMENT,
Revenue Department.

Camp Gogo, 29th February 1872.

SIR,

I have the honour to forward a statement of classification of certain lands in the town of Broach paying rent to Government, and commonly called kiraya lands, which has been made by the Survey Superintendent with the concurrence of the Collector, Mr. White, in compliance with the instructions in Government Resolution No. 4599, of 26th October 1869. I have no objection to offer to the rates of half an anna, one anna, and one and-a-half anna, which have been placed on the different plots on a consideration of their advantages of situation. Mr. White was at first disposed to consider the rate of half an anna too high for the badly situated plots, and one anna and-a-half too low for the best sites, and proposed two more classes, one of three pies, and one of two annas, but his objections have been removed after a personal inspection of the ground in company with the Superintendent of Survey.

2. It will be remembered that Mr. Hope, on an investigation of the tenures of the occupants of the kiraya lands, divided them into eight classes. But for all practical purposes it will be sufficient to consider them as falling within one of three classes :—

First.—Those in which the occupants derive their title from clearly expressed deeds. These will be continued in accordance with the terms of the deeds, and their rental will be enhanced in those cases where the terms admit of such enhancement.

Second.—Those in which the occupants hold by indefinite and vaguely expressed deeds, such, for instance, as where the occupant has bought at an auction sale and conditioned to pay a certain sum, generally a trifle, so long as he shall hold the land. Here, as no term is expressed, a reasonable time will be allowed, and before the rental can be enhanced, a notice, say of three months, will have to be given.

Third.—Those in which the occupant holds not under deeds but by prescription and pays a customary rent. In these cases there will be difficulty in levying the enhanced rent.

3. To occupants of all those classes Government have offered the right of redemption of rent in perpetuity at a minimum of one rupee per square yard. I am not aware to what extent this offer has been accepted, but this is a point which will be attended to by the Collector, and those who accept the terms will be exempted from rent. Mr. White has very properly remarked that the minimum rate of purchase of redemption of one rupee per square yard would be excessive in the case of badly situated lands. In his letter to the Sub-Collector of Broach, No. 1100, of the 22nd May 1869, Mr. Hope wrote:—"If the sales were effected on an average at the established minimnm of one rupee per square yard, the capital would almost represent a one anna rate, *i.e.*, the rate would represent a capital yielding 6¼ per cent. interest." I think there will be little objection to the rate of redemption being altered from a minimum of one rupee in all cases to a rate representing a capital that would yield the same interest varying with the class of land. For instance, lands in class I. to be sold at Rs. 1-8-0 the square yard, lands in class II. at Rs. 1, and lands in class III. at eight annas. I would propose this if it is thought advisable to stimulate the desire to redeem, but I admit I prefer retaining the right to enhance the rental to relinquishing the right to levy rent at all.

4. I would also here suggest that I may be empowered to levy a special rate when circumstances might make the levy of the full rates proposed objectionable, such as in the case of large compounds a garden attached to houses, where full class rates would be exceedingly burdensome, and swamp all the prospects derived from rent. A maximum of 10 per cent. of the annual rent usually obtained for such houses might be fixed as the imperial rent to be levied.

5. In one of his letters on the subject of these rents the Acting Collector remarks that he presumes the rates are exclusive of any lump sum or rental the municipality may fix on account of the right of occupancy, vesting in Government and understood, though not expressly declared, to be handed over to them. Mr. White probably assumes on the analogy of the Ahmedabad Settlement, in which, out of a rate of one anna, two pies are credited to Government and ten to the municipality, but it is evident in cases in which rent has been paid to the former for many years past, the right of occupancy already vests in the tenant and does not belong to Government to hand over. If the new rates are not agreed to, and possession of the land is given up, the right of occupancy may be sold again (subjcet to payment of the rent), and the proceeds go to the Municipal Committee. As a means of recouping them for their share of the cost

of survey, the full revised rent is the property of the State, and the Municipal Committee cannot impose anything more in cases in which the occupancy remains with the original tenant or his representatives. The division of the one anna rate in Ahmedabad is only in lands brought under a Summary Settlement which were held on imperfect titles, and had not hitherto paid rent.

I have, &c.,
(Signed) A. ROGERS,
Revenue Commissioner, N.D.

(True copy)
W. R. HAMILTON,
Assistant Revenue Commissioner, N.D.

Lands.

No. 1148.

REVENUE DEPARTMENT.

Bombay Castle, 11*th March* 1872.

Letter from the Revenue Commissioner, N.D., No. 1195, dated 29th February 1872.—Submitting a statement of classification of certain lands in the town of Broach paying rent to Government and commonly called kiraya lands, which has been made by the Survey Superintendent with the concurrence of the Collector, Mr. White, in compliance with the instructions in Government Resolution No. 4599, dated 26th October 1869, with a remark that he has no objection to offer to the rates of half an anna, one anna, and one and-a-half anna, which have been placed on the different plots, on a consideration of their advantages of situation; suggesting that he may be empowered to levy a special rate where circumstances might make the levy of the full rate objectionable; and offering certain remarks in reference to Mr. White's observations made in one of his letters on the subject, that the rates are exclusive of any lump sum or rental the municipality may fix on account of the right of occupancy of these lands vesting in Government and understood, though not expressly declared, to be handed over to the municipality.

RESOLUTION.—The rates submitted are approved and sanctioned; and where circumstances might make the levy of the full rate objectionable, Government, as suggested by Mr. Rogers, authorize the Revenue Commissioner to levy a special rate. Government quite concur with the Revenue Commissioner where he says "the Municipal Committee cannot impose anything more in cases

in which the occupancy remains with the original tenant or his representatives."

(Signed) WASSOODEO PANDOORUNG,
For Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

The SURVEY and SETTLEMENT COMMISSIONER, N.D. (with the papers in original, which it is requested may be returned, after perusal).

Lands.

No. 1626.

REVENUE DEPARTMENT.

Bombay Castle, 22nd March 1873.

Letter from the Revenue Commissioner, N.D., No. 753, dated 17th February 1873.—Bringing to notice that by Government Resolution No 1148, of the 11th March last, the rates for the kiraya lands of Broach were revised; and requesting instructions as to how much of the new rates should be credited to the municipality

RESOLUTION.—In the case of these kiraya lands the right of occupancy is already vested in the occupants, and the Municipal Committee has therefore no claim to any portion of what is purely imperial rent. The only equitable claim the Corporation could urge against Government in the case of these lands would be one for the proportionate share of the cost of survey of the whole town incurred on account of their survey. But this would be more than covered by the contribution made by Government towards the general cost of the Survey and Enquiry into titles in the pay of officers, &c. The Revenue Commissioner should be called on to state the grounds on which the present application is made, and if it should originally have come from the Collector as President of the Municipality to quote his reasons for making the demand.

2. In the case of any of the kiraya lands being thrown up with the right of occupancy, and that right being put up for sale again, the proceeds of the sale would of course go to the municipality, as in the case of other lands not hitherto paying imperial rent.

3. The concluding sentence of the late Revenue Commissioner's No. 1195, of the 25th February 1872, has evidently been written under a misapprehension.

E. W. RAVENSCROFT,
Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.

Lands.

No. 4732.

REVENUE DEPARTMENT.

Bombay Castle, 20th August 1873.

Letter from the Revenue Commissioner, N.D., No. 1499, dated 5th April 1873.—Explaining the grounds on which he urged the claims of the Broach Municipality to be allowed a share of the rent derived by Government from the Broach kiraya lands, as required in Government Resolution No. 1626, dated 22nd March, passed on his previous letter on the subject, No. 753, dated 17th February last.

Memorandum from the Revenue Commissioner, N.D., No. 1911, dated 28th April 1873.—Submitting the information called for in Government memorandum No. 2215, dated 18th April 1873.

Memorandum from the Revenue Commissioner, N.D., No. 3660, dated 31st July 1873.—Submitting, with reference to Government memorandum No. 3183, dated 5th June last, a report by the Collector of Broach (No. 1943 of 1873) with its enclosed one by Mr. Waite; and stating that the principle agreed upon between the municipality and the Government, viz., that the former should bear the cost of the survey and take all above two pies per square yard reserved to Government is a very simple one, and there is no apparent reason why it should not be followed in the case of these lands.

RESOLUTION.—The Revenue Commissioner and the local authorities are under a misapprehension in describing the arrangement between Government and the municipality as being that the latter should in all cases take all above two pies per square yard reserved to Government.

2. The arrangement in reality was that land actually vacant should be assessed at two pies on behalf of Government, and that the municipality should receive whatever the occupancy right would fetch. Where the occupancy is vested in the holders, as in the alienated land subjected to Summary Settlement in Surat, or where, as at Balsar, the holders of kiraya land were actually paying to Government a rental including the interest of the occupancy and the latter was redeemed, the municipality have no claim to, and do not receive, any share in the annual assessment or other proceeds. But the cost of surveying these lands is to be fully allowed to them at the final adjustment contemplated in paragraph 15 of the rules for assessment.

3. The Broach kiraya lands should be dealt with on this principle, but the whole assessment will belong to Government.

4. Kiraya lands not in the occupation of any one should of course be assessed at two pies, and the proceeds of the occupancy when realized will go to the municipality.

F. S. CHAPMAN,
Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.,
The COLLECTOR of BROACH,
The SURVEY and SETTLEMENT COMMISSIONER, N.D.,
The SUPERINTENDENT, REVENUE SURVEY and ASSESSMENT, GUJRAT.

No. 15 OF 1872.

FROM

W. E. WAITE, ESQ.,
Assistant Superintendent, Revenue Survey and Assessment, in charge Survey and Enquiry, Broach,

To

LIEUT-COLONEL C. J. PRESCOTT,
Superintendent, Revenue Survey and Assessment, Gujrat.

City Survey and Enquiry Office,
Broach, 9th November 1872.

SIR,

I have the honour of submitting the progress report of the Broach City Survey and Enquiry (with Statements from A to E) for the year ending 31st October 1872.

2. The completion (on the 31st March 1871) of the actual survey or practical portion of the work (*i.e.*, all field data and the whole of the maps), I reported last year, so that beyond giving first a few details and offering some remarks with reference to the establishment, the Final Maps, Miscellaneous Work, and Sunnuds, I have now but little or nothing to add under the heading of Statement A.

Establishment. Statement A.

3. The average strength of establishment is lower this season than it has ever been, the number being only about 9$\frac{1}{6}$th men. As the work however is now more or less approaching completion, it will not be necessary I think to add in any way to the working strength.

Fair or Final Maps. Statement A.

4. The underline of "plotting details" gives all necessary information regarding the preparation of the Fair or Final Maps according to the altered boundaries, as decided at the time of Enquiry.

5. During the season under report 8 such maps were thoroughly completed, to which number if the 5 of last year be added, we get a total of 13 up to date.

6. At the close of the season the remaining 58 maps were all in progress, 22 out of this number however are *more or less* disposed of (just a few cases and some minor details remain), so that the number of Final Maps completed up to date might really be said to be 35 (13 × 22), leaving thus but 36 *actually* in progress.

7. The progress and completion of this work, as mentioned in my last annual report, depends entirely on the Enquiry, for the fair or final copy of one of these maps cannot be said to be complete, until such time as all the numbers or claims in it have been duly adjudicated on.

Miscellaneous Work. Statement A.

8. From column 26 it will be seen that during the year under report 94½ days were employed in making miscellaneous measurements, and 711¾ days in preparing miscellaneous plans, reports, &c.

9. The whole of the above work is more or less in connection with the municipality (it falls to the Survey and Enquiry Officer, under Rule 52 of Municipal Rules), and relates chiefly to matters affecting the width of roads and streets, encroachments on open spaces and public roads, and the building or re-building of houses. I mention all these destails here, not so much with the view of obtaining a remedy, as for the purpose of giving some idea as to the nature and quantity of miscellaneous work the Survey and Enquiry Officer has to take in hand and dispose of solely in the interests of the municipality.

"Kiraya" or Rental Lands.

10. Under the heading of miscellaneous work, I have also to mention this year, the introduction of the new rates into the Broach "kiraya" lands, as sanctioned by Government Resolution No. 1148, of 11th March 1872.

11. These "kiraya" or rental lands (comprising about 400 holdings, and yielding hitherto in the lump annually to Government about Rs. 325) are scattered over the town proper of Broach, and the five "paties," or villages of Wejalpur, Dungari, Ali, Kasak, Chingaspura, and Mojumpur, all of which now form part of Broach, and come within municipal limits.

12. The greater portion of the lands are occupied by Cotton "Wakars," and when proposing the new rates in September 1870, I estimated that an annual income of about Rs. 3,800 would accrue, but owing to the large increase in the number of steam-ginning factories within the last two years, most of these "Wakars" are

now entirely out of use, and so a large number of the occupants, I fear, will give up possession, in which case there will of course be a considerable falling off in the estimated annual revenue. The land, however, is valuable, and a very fair yield may at all times be looked forward to.

13. The new rates are now being introduced, strictly in accordance with the Government Resolution mentioned above, and the Revenue Commissioner's letter No. 4560, of 2nd August 1872, and in every case where the offer of redemption at 20 years' purchase has not been accepted, the new rates have been applied.

14. The greater portion of this work has been got through—just a few special cases remain. I have not, however, taken into consideration in this report any sums accruing from this source, but as soon as the whole of the cases have been disposed of, there will be a due apportionment of income, as laid down in the Revenue Commissioner's para. 2, between Government and the municipality.

Sunnud Work. Statement A.

15. The details of sunnud work and the preparation of deeds of sale will be found in colomns 29 and 30.

16. During the period under report there were prepared 2,413 sunnuds and 49 deeds of sale, to which numbers, if be added the 5,236 sunnuds and 69 deeds prepared up to the end of last year, the total number of sunnuds and deeds prepared up to date amount respectively to 7,649 and 118.

17. The preparation of sunnuds may be said to be the *final* and about the *most important* part of the work; bearing this in mind, I have confined myself solely to taking large tests in them, the results of which, I am glad to say, go to show that the work on the whole is particularly satisfactory.

18. The issue of sunnuds should perhaps be somewhat quicker, but until decisions have been passed in *all* the numbers of a sheet, all the sunnuds in that particular sheet prepared and tested, and all enquiry forms duly filled and carried out, the matter of issue, I here take the opportunity of mentioning, is one of difficulty, because a sunnud is not complete if the ownership of the four adjoining properties has not been decided.

Test. Statement B.

19. The details of test will be found in Statement B.

20. There were tested up to the end of last year 54 sheets, the remaining 17 were taken in hand and disposed of this year, so that the testing work in the whole of the 71 (original) sheets, I am glad to say, has now been got through. The "Nimtandar's" test of this work average 16½ per cent.

21. In addition to the above the Fair Maps were also subjected to a test of about 10 per cent., the object being to guard, as far as it is practicable, against all possibility of error remaining in the final work. Up to the end of the year under report 16 maps were thoroughly completed.

22. The preparation of sunnuds, as stated above, forms about the most *important* portion of the work we have to deal with, and so a particularly heavy test is taken in all cases. This season the "Nimtandar's" tests average 41½ per cent., in addition to which tests to the extent of 11½ per cent. were taken by myself.

23. The results on the whole of the final test, I am glad to say, are satisfactory; the average discrepancy between original measurements and the final test being about only 25 per cent. on numbers (each number has over so many different measurements in it), and 0·43 on Theodolite work.

Inquiry. Statement C.

24. In Statement C are given the details of enquiry into titles, which work during the year under report has been conducted by the District Deputy Collector and myself.

25. There were taken up for enquiry 11 sheets or maps, containing 4,161 numbers, of which 3,467 were decided as house or private property, and 281 as Government (*vide* columns 7 to 11, inclusive), giving thus for the season a total of 3,748 decisions, to which number, if be added the 10,925 disposed of up to the end of last year, the total number of cases decided up to date amount to 14,673.

26. The out-turn of enquiry work this year is somewhat under that of last, and is due more or less to the absence for a period of about five months of the Deputy Collector (who was otherwise engaged in the "huzur" and districts), and to my having had some extra work in the shape of the settlement of the "kiraya" lands and a particularly heavy calendar of miscellaneous cases. I must also state that most of the enquiry cases now remaining are of a particularly complicated nature (some of them date as far back as 1865), and, as a rule, involve a deal of examination and lengthy evidence. Up to date, however, decisions have been passed in 14,673 cases, there remain thus for disposal only about 2,500, so that in about 6 months from this date the whole of the enquiry, I hope, will have been got through.

27. There have been in all 115 appeals during the season under report: the decisions in 68 cases have been upheld, in 26 reversed, and 41 remain to be disposed of.

28. The total number of appeals up to the end of the year under report amount to 244, out of which number the decisions in 315 cases have been upheld, in 58 reversed, and 51 are pending.

Survey Daroga. Miscellaneous Cases.

29. This season 276 cases affecting the width of roads and streets, encroachments on public roads and open spaces, building and re-building of houses, &c., were brought forward for enquiry and disposal, out of which number 198 have been decided and the remaining 78 are pending. In addition to the above, 161 cases of those (323) remaining from last year were also taken up and got through, so that this season there were decided in all 359 of these miscellaneous cases, leaving thus at the close of the year under report 240 for disposal.

30. "Until the completion of the city survey and enquiry into titles," all these cases (*vide* Rule 52 of the Municipal Rules) have to be enquired into and decided by the Survey and Enquiry Officer. Every case, as a rule, necessitates fresh measurements, the preparation of plans and reports, the examination of documents, and the taking of depositions, so that this is really so much extra work, for it is quite in addition to the regular survey and enquiry.

31. These miscellaneous cases, it will thus be seen, form a particularly heavy item in connection with the survey and enquiry; it is work, I would beg to say, of a most unsatisfactory nature, in so far that it involves a great deal of time and labour, and if measured by results there is little or nothing to show.

Income and Expenditure. Statements D and E.

32. The details of income and expenditure are given in Statements D and E.

33. The total income for the season under report amounts to Rs. 12,552-3-8, of which sum Government received Rs. 2,586-6-5 and the municipality Rs. 9,965-13-3.

34. The total expenditure for the season under report amounts to Rs. 12,289-2-8, of which sum Government paid Rs. 6,320-9-8, and the municipality Rs. 5,968-9-0.

35. The total income from the commencement up to the end of the year under report amounts to Rs. 40,230-14-1, of which sum Government have received Rs. 10,170-13-5, and the municipality Rs. 30,060-0-8.

36. The total expenditure from the commencement up to the end of the year under report, amounts to Rs. 68,769-0-9, of which sum Government have paid Rs. 27,577-13-1 and the municipality Rs. 41,191-3-8.

37. At the end of the year under report, the Government *annual* revenue stood at Rs. 1,840-5-8, and that of the Municipality at Rs. 630-10-5 (exclusive of revenue from "kiraya" lands), which sums I would beg to state, when considered as *annual* rental, represent no small amount. Taken even at 5 per cent., the figures represent in round numbers respectively Rs. 36,807-1-4 and Rs. 12,613-0-4.

38. The new rates for the "kiraya" lands were *only* sanctioned on the 11th March last, so that no sums have been taken into account this year; the realizations from this source, however, I have every reason to believe, will prove highly beneficial both to Government and the Municipality.

Financial Results.

39. As this perhaps will be about the last of the annual reports I will be called on to write in connection with this survey, I take the opportunity of laying before you just a brief statement of the accounts up to date.

SUMMARY OF ACCOUNTS.

		Rs.	a.	p.
1.	Amount actually realized up to 31st October 1872	40,230	14	1
2.	Amount of outstanding balance on the 31st October 1872	2,315	12	3
3.	Amount of Government annual rental on 31st October 1872 (Rs. 1,840-5-8), taken at per cent., represents in round numbers.....	36,807	1	4
4.	Amount of municipal annual rental on 31st October 1872 (Rs. 630-10-5), taken at 5 per cent., represents in round number	12,613	0	4
	Total.....	91,966	12	0
	Total amount expended up to 31st October 1872.	68,769	0	9
	Balance in favour of Survey	23,197	11	3

The Government and Municipal shares of the above stand as under:—

Government.

		Rs.	a.	p.
1.	Amount actually realized up to 31st October 1872.....	10,170	13	5
2.	Share of outstanding balance.....	232	15	4

3. By annual rental (taken at 5 per cent.) in round numbers	36,807	1	4
Total	47,210	14	1
Total amount expended by Government up to 31st October 1872	27,577	13	1
Balance in favour of Government	19,633	1	0

Municipality.

	Rs.	a.	p.
1. Amount actually realized up to 31st October 1872	30,060	0	8
2. Share of outstanding balance	2,082	12	11
3. By annual rental (taken at 5 per cent.) in round numbers	12,613	0	4
Total	44,755	13	11
Total amount expended by Municipality up to 31st October 1872	41,191	3	8
Balance in favour of Municipality	3,564	10	3

40. The above statement, I would beg to say, shows a considerable balance in favour of the survey. By no means, however, does it represent the *full* financial benefits of the operations; for the income from "kiraya" lands has not been taken into account, and the annual rentals have been calculated or taken for a period of *only* 20 years, whereas the sums I would beg to point out, represent really *permanent* additions, both to the revenues of the State and the Municipality.

41. I would respectfully beg to add that in a work of this nature, the financial results are not the *only* consideration. To financial results must be added the great benefits resulting from an elaborate survey of the city for the first time, exhibiting in 71 maps with the greatest possible accuracy, almost every inch of land, whether freehold or public property; and also the great advantages that accrue not only to the State and the Municipality, but to every individual house and land holder in the place, by having had claim, and disputes of all kinds inquired into and decided once for all.

Probable duration of Work.

42. In my Progress Report for the year ending 31st October 1870, I estimated that the work would be brought to a close about the end of the present year. Owing to the inquiry being deprived more or less of the services of the Deputy Collector for a

period of about five months (as mentioned in para. 26), and my having had some extra work in the shape of the settlement of the "kiraya" lands, and a particularly heavy calendar of miscellaneous cases, my original estimate cannot, of course, possibly stand good.

43. The only *regular* work remaining now is the enquiry, and the preparation of the Final Maps and sunnuds—the former work, I think, will take about 6 months, and the latter perhaps 3 more. The thousand and one miscellaneous things, however, connected with a work of this kind, render it almost next to impossible to frame anything like an *accurate* estimate. I have every reason to believe, however, that the end of the present season will see the completion of the survey and enquiry of this city.

44. Whether viewed financially or in a point of work accomplished the results of the survey and enquiry up to date, I may be permitted to hope, will be considered satisfactory.

I have, &c.,

(Signed) W. E. WAITE,

Assistant Superintendent, Revenue Survey and Assessment, in charge Survey and Enquiry, Broach.

PAST[a] and FUTURE[b] results of the Broach City Survey.

Receipt.	Cash.	Rents Capitalized.	Total.	Expenditure.	Enquiry.	Survey.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.
Government—				Government—			
Past...	12,531 8 1	45,675 12 6	58,207 4 7	Past		c 30,211 10 4	30,211 10 4
Future	2,728 0 0	26,250 0 0	28,978 0 0	Future	.....	9,250 0 0	9,250 0 0
Total... ...	15,259 8 1	71,925 12 6	87,185 4 7	Total... ...	.....	39,461 10 4	39,461 10 4
Municipality—				Municipality—			
Past	35,688 8 7	16,104 13 1	51,793 5 8	Past	3,210 11 8	40,347 0 9	43,557 12 5
Future	6,951 0 0	6,250 0 0	13,201 0 0	Future	900 0 0	6,650 0 0	7,550 0 0
Total... ...	42,639 8 7	22,354 13 1	64,994 5 8	Total... ...	4,110 11 8	46,997 0 9	51,107 12 5
Grand Total... ...	57,899 0 8	94,280 9 7	1,52,179 10 3	Grand Total... ...	4,110 11 8	86,458 11 1	90,569 6 9

a. The figures for "past" have been taken up to 31st March 1873.
b. The figures for "future" have been taken up to 31st March 1874, by which time the Survey and Enquiry will be finished.
c. The figures in this column include also expenditure on account of enquiry (the Assistant Superintendent of Survey being also an Enquiry Officer).

(Signed) W. E. WAITE,
Assistant Superintendent, Revenue Survey and Assessment, on "Special" Duty.

City Survey and Enquiry Office,
Broach, 22nd July 1873.

AHMEDABAD.

No. 464 of 1863.

To

THE REVENUE COMMISIONER, N.D.

Ahmedabad Collector's Office, 3rd June 1863.

SIR

In continuation of my letter No. 272, of March 27, I have the honour to forward a memorandum showing more precisely the necessity for, and nature of, the survey of the City of Ahmedabad which I propose, and the method by which the cost may be defrayed.

I have, &c.,

(Signed) T. C. HOPE,
Acting Collector.

MEMORANDUM.

Within the walls of the City of Ahmedabad there is a very large quantity of ground which is not built upon.

Part of this is arable, and is entered in the Revenue Records as the village of Chotee Duskrohee. It has been measured and classed by the Revenue Survey, but no new assessment has been imposed owing to various questions regarding alienated portions of it, and assessment payable on it, being still pending in consequence chiefly of the difficulty of deciding how to provide for the rights of Government in the event of the land being built upon.

The rest of the land (and it is very extensive) consists of open spaces by the side of roads, between houses or properties, sites of old native houses the owners of which are not traceable, &c., &c.

It is the practice for the Collector to sell by auction any piece which is applied for.

Many pieces of ground which are known to have belonged to Chotee Duskrohee have been unauthorizedly built upon, and although the authorities do their best to prevent encroachments the absence of boundary marks renders the task a difficult one, and the value of the land is a great incentive to corrupt parties. It is therefore feared that encroachments still go on to some extent.

The rest of the land not in Chotee Duskrohee is being appropriated almost daily by persons who have titles of the most doubtful description. In a couple of nights people will have run a mud and brick wall round a space of perhaps half an acre, and the

encroachment is not perceived at all. Many places have thus been appropriated within my personal knowledge. Again, a man against whom a decree has been passed in a civil court points out some open space as his property, and it is sold in satisfaction of the decree. Finally, two parties in collusion to obtain a sort of title to a piece of ground get it sold in satisfaction of a decree in a suit which one brings against the other, and the latter allows to go against him by default. These are illustrations of the modes practised. There are many others.

Thus the rights of Government are suffering to a greater or less extent in both kinds of land, and will continue to do so till some satisfactory arrangement is made, for land is rapidly rising in value. A good deal of the time of the municipal and revenue authorities is moreover taken up in enquiries into encroachments, which are very troublesome and can rarely be decided satisfactorily. At the same time the chance of being proceeded against, and the necessity of resorting to irregular expedients, act as a check on the transfer of property and the increase of the city.

To remove all the above difficulties it appears very necessary to—

1st.—To complete for the whole city the map already in part made by the Revenue Survey and showing Chotee Duskrohee.

2nd.—To fix the breadth of all streets, squares, &c., &c., and reserve ground for such hereafter when necessary.

3rd.—To mark out all the remaining land with suitable boundary marks to be entered in the map.

4th.—To enquire into all claims to such land and enter it accordingly as wholly alienated, partly alienated, or Government.

5th.—To fix a suitable assessment on the two latter descriptions varying according to whether they are cultivated or built upon, with provisions that actual occupants of a certain standing may redeem the assessment at so many years' purchase, and that the right of occupancy of vacant land wanted for building purposes may be sold by auction in accordance with the Kurrachee rules.

6th.—To register deeds relating to house property in the manner adopted in Kurrachee.

7th.—In order to carry out the above, an experienced officer of the Revenue Survey Department, on a salary of Rs. 400 to 500 per mensem, with the usual measuring establishment, should be placed at the disposal of the Collector for one year.

8th.—The undersigned has ascertained that, in the event of Government being pleased to cede to the Municipality of

Ahmedabad the sale proceeds of the right of occupancy of building sites put up to auction, as has been done at Kurrachee (*vide* page 108 of Mr. Bellasis' account of the Kurrachee Municipality), that body will be willing to defray all the expenses of the survey.

(Signed) T. C. HOPE.

(True copy)
A. GORDON.

No. 3044.

EXTRACT from the Proceedings of the Government of Bombay, in the Revenue Department, dated 9th September 1863.

Read the following letter from Mr. B. H. Ellis, Revenue and Police Commissioner, N.D., No. 1741, dated 27th June 1863 :—

A portion of the land within the walls of the City of Ahmedabad is called Chotee Duskrohee. A correspondence has for some time been going on with regard to the settlement of Chotee Duskrohee, the assessment of land within the city walls being necessarily fixed on different principles from those adopted in assessing lands valuable only for cultivation.

2. In the course of this correspondence Mr. Hope has written as follows :—

No. 272, dated 27th March 1863.

"Independently of the lands termed Chotee Duskrohee there are within the city walls a very large number of open spaces, some with traces of Mahomedan buildings on them, others without; some claimed by various parties, and others not; and further the roads are in many directions so irregular in width that it would be a positive improvement to cut off surplus land and devote it to building purposes.

"*3rd.*—The settlement of Chotee Duskrohee having been so long deferred, and there being no trustworthy record of lands not included in it, while, at the same time, the prosperity of the city is such as to cause a great demand for building sites, houses are springing up in all directions on ground to which the builders have very doubtful titles, or often none at all, cases of encroachment take up a good deal of time of both revenue and municipal authorities, and can rarely be decided satisfactorily; and it is to be feared that many important ones are never reported at all, and the same time the insecurity of tenure and chance of being proceeded against act as a check on the increase of the city.

"*4th.*—In order to remove the latter, and also secure to Government all its rights, it appears very desirable to settle definitely the title to all land—if private, to secure it from interference, and if public, to lay an adequate assessment on it, with provisions for redemption at the option of the holders.

"*5th.*—To this end I would propose that the map showing the lands of Chotee Duskrohee, which the Revenue Survey Department have made, should be completed for the whole city by some competent officer, who should decide, in communication with the Collector and Magistrate, or subject to his confirmation, what land is required, or what should be reserved for streets or squares, and what is the tenure of all the remaining open spaces. This done, the land declared to be Government, or subject to sullamee, should be assessed at suitable rates according to whether it is cultivated or built upon, and permission should be granted to redeem the Government demand on it at so many years' purchase.

"*6th.*—I would further submit for consideration whether the right of occupancy of vacant land should not be put up to auction, and the sale proceeds be ceded to the municipality as has been done at Kurrachee (*vide* Mr. Bellasis' account of the Kurrachee Municipality, page 100) they might be well devoted by that body exclusively to the improvement of the thoroughfares of the city.

"*7th.*—For the duties referred to in para. 5 an officer acquainted with surveying and possessed of intelligence and experience will be required for about one year, his salary might be defrayed by the municipality if the suggestions in para. 6 be approved of."

3. Mr. Hope's proposition may be summed up thus :—

1st.—Sanction for a surveyor and establishment, cost to be defrayed by the municipality.

2nd.—Permission to the municipality to enjoy the sale proceeds of occupancies, the right of Government being confined to the levy of assessment.

4. I beg to recommend both these propositions for sanction. The rates of Government assessment, and the commutation price in redemption thereof, should be submitted through the Collector and Superintendent of Survey in the same manner as other similar proposals are made.

5. The cost already incurred in the survey of Chotee Duskrohee may be considered as the Government contribution to the general survey of the city.

RESOLUTION.—The proposals in para. 3 of the Revenue Commissioner's letter are sanctioned under the conditions proposed in para. 4.

2. The Collector should resume at once any land required now or prospectively for Government purposes, and the rest may be sold, the municipality receiving the purchase-money and the assessment being reserved to Government The services of Mr. Jordan, Sub-Assistant Superintendent in the Gujrat Survey, should be placed temporarily at the disposal of the Collector and of the Municipality of Ahmedabad to carry out the proposed survey.

Ordered that copies of the above be forwarded to—

The REVENUE COMMISSIONER, N.D.

The GENERAL DEPARTMENT of the SECRETARIAT.

(Signed) A. D. ROBERTSON,
Chief Secretary to Government.

No 1441.

EXTRACT from the Proceedings of the Government of India, Home Department.

Under date Simla, the 17th June 1867.

Read office memorandum from the Financial Department, No. 2083, dated the 17th of April, forwarding, with its enclosures, for an expression of opinion, a letter from the Government of Bombay, No. 4405, dated the 27th of November, relative to the participation of the Municipality of Ahmedabad in the assessment on lands within the city walls, and requesting confirmation of the orders of that Government ceding to the municipality the sale proceeds of the right of occupancy of land situated within the municipal limits.

Remarks.—The facts appear to be briefly these :—

(1.) Within the City of Ahmedabad is a large extent of open land, some cultivated and some valuable at present as building land.

(2.) Some of this land is clearly the property of Government, has always been known to be such, and been dealt with accordingly; some also is unquestionably private property, under various tenures, but a large proportion is of doubtful nature, to which Government has probably a claim; but this portion is in the occupancy of persons who have squatted or have fraudulently acquired possession, or who hold on equally bad titles.

By Resolution No. 3044, dated 9th September 1863, the Bombay Government sanctioned the sale of the right of occupancy in Government waste land within the city walls, and the grant of the sale proceeds to the municipality, "the right of Government being confined to the levy of assessment."

A subsequent Resolution No. 3963, dated 10th November 1863, sanctioned certain proposals of the Collector. These were, so far as the present case is concerned, as follows :—

(1.) Government unoccupied land, if required for cultivation only, was to be let to any one applying for it at Rs. 7 per acre per annum. Clearly the right of occupancy in land already cultivated, or wanted for cultivation was not to be sold.

(2.) Government land, whether waste or cultivated, required for building purposes, was to be assessed at one rupee per 100 square yards (about Rs. 48 per acre),* which appears to have been the existing rate, in addition to a payment for the right of occupancy. This payment has hitherto varied from one rupee eight annas to three rupees per square yard, and the Collector, holding that the real annual rent was composed of the ground rent, and the interest on the purchase-money of the right of occupancy, shows in his 18th para. the amount of this real rent annually per acre and per square yard, at the various rates of purchase, beginning, however, at one rupee per square yard—a sum less than any land previously sold had fetched.

* 4,840 square yards.

The calculation shows that the annual assessment upon a square yard of land assessed to Government at one rupee per 100 square yards (or two pie per square yard nearly), and the right of occupancy in which is valued at one rupee per yard, should be eleven and half pie per yard ; when the value was three rupees the assessment should be two annas seven pie.

The Collector then assumed that one anna per square yard would be a high average rate of annual rent all round, and of this one anna Government of course retained its two pie, while the other ten pie, representing the interest on the value of the occupancy right, belonged to the municipality under the Government grant above mentioned.

But the Collector (end of para. 20) did not mean to retain the annual assessment of one anna, for he distinctly proposes to sell the occupancy right by auction (that is, to redeem by one payment the ten pie share of assessment due to the municipality), putting it up at an upset price determined by the amount of principal represented by the said ten pie per square yard per annum, and

the proceeds of the sale were to go to the municipality, while Government continued to levy its two pie annually.

The Collector's elaborate calculations of annual assessment ending with such a simple result as an average upset price led the Bombay Government to express the opinion (para. 3 of letter No. 3946, dated 30th of October 1866) that "the total rent recoverable from the occupant was fixed at one anna per square yard per annum, of which two pie represented the imperial land revenue, and ten pie the interest on the value of the occupancy, which was levied for the benefit of the municipality;" and the Government had, of course, sanctioned this mode of realization of the value of the right of occupancy in their second resolution above mentioned, for they understood evidently that the Collector proposed and the Commissioner approved it.

The point to be considered is, therefore, the propriety of ceding to a municipality the value of the right of occupancy in Government land required for building on.

Such a cession, the Governor General in Council is of opinion, cannot be justified; and His Excellency in Council is not aware that Government has, in any case except that of Kurrachee, mentioned in the correspondence, granted to municipalities any interest in land paying rent to Government within their limits. In the present case the Bombay Government concedes, as a principle, that the value of the occupancy being derived from the fact of its situation in a large and populous town, those who were responsible for the theoretical advantages of the site being practically secured, viz., the Municipal Commissioners, were entitled to take credit for it.

But the Governor General in Council considers that this is much too wide a statement.

The plain rule is that the Government should contribute on its property within municipal limits in the same proportion according to value as other proprietors. More than this Government cannot fairly be expected to do except in the case of cities or towns, the welfare of which is an important consideration to the empire at large, and this may perhaps be said of Kurrachee, but not, His Excellency in Council thinks, with any reason, of Ahmedabad.

And the Government of India is, in the present case, asked to confirm a grant of unknown value, for it has no information whatever as to the extent of Government land, of which the occupancy sale proceeds have been, or are to be, given away.

Under these circumstances, the Governor General in Council considers that the Government of Bombay should be informed that the municipality is at liberty to assess Government property in the

same manner as other real property within the city; but if there is no Municipal Tax on such property, the municipal funds being raised by an octroi, or similar tax, then there is no objection to an assessment being laid on the Government occupied land within the city bearing some proportion to the value of the land according to its rental. This the Governor General in Council conceives may very justly be done, for Government profits greatly by its land being taken up for building purposes, the rent rising from 7 rupees to 48 rupees per acre, but to ask it to give away five times the amount of its own rental (10 pie in the anna) is too much. If, indeed, it could be shown that Ahmedabad was of imperial or even of provincial importance, and that its sanitary arrangements, roads, &c., could not, from the want of local funds, be placed in the state required by its importance, then Government might, in an extreme case, give such further aid as should appear absolutely necessary, and perhaps in the manner sanctioned by the Bombay Government.

The following points also seem to the Governor General in Council, in this department, to require notice :—

(1.) Is the right of occupancy, where sales have taken place, sold in perpetuity, or for 99 years only, the period of the leases ?

(2.) The Bombay Government has given to the municipality a share in the "similar" assessment on alienated land proportionate to the 10 pie share on unalienated land. By what right, it is enquired, does the Government appropriate the right of occupancy value of alienated lands ?

Lastly.—If it is thought right in the Financial Department to confirm the cession to the municipality of the value of occupancy right in Government land, this value ought to be paid for by a cash payment at once, and not left for realization by an annual assessment, as it is considered that the regular and permanent realization of the Government rent of 2 pie per square yard is endangered by the grant to another party of an annual assessment of five times that amount.

Orderd that a copy of the above remarks be forwarded to the Financial Department, in reply to office memorandum thence, No. 2083, dated the 17th of April.

(True Extract)

(Signed) E. C. BAYLEY,

Secretary to the Government of India.

Accounts.

No. 373.

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

Fort William, the January 1868.

SIR,

With reference to your letter No. 4405, dated 27th November 1866, requesting confirmation of the order of His Excellency the Governor in Council, by which the sale proceeds of the right of occupancy of land situated within the municipal limits of Ahmedabad have been ceded to the municipality of that town, I am directed to point out that a recommendation for a similar alienation of imperial revenue in favour of the Local Funds of the Bombay Presidency was negatived in the Financial Resolution No. 2230, dated 1st September 1864, and the claims of a municipality are weaker than those of a Local Fund.

2. The last published accounts of the Municipality of Ahmedabad, viz., for 1865-66, showed a surplus of Rs. 20,954-13-8 after paying off Rs. 4,394 of loans, and disbursing Rs. 17,627 of charges for a survey of the town which will cease in a few years.

3. Accordingly, in transmitting a copy of observations on your letter which were recorded in the Home Department of the Government of India on 17th June 1867, I am to request that His Excellency the Governor in Council may be moved to rescind the cession to the Municipality of Ahmedabed of the right of occupancy of land situated within the municipal limits.

I have, &c.,

(Signed) E. H. LUSHINGTON,
Secretary to the Government of India.

Copy to the Accountant General, Bombay.

Lands.

No. 519.

REVENUE DEPARTMENT.

Bombay Castle, 8th February 1868.

Letter from the Secretary to the Government of India (Financial Department), No. 373, dated 28th January 1868.—Forwarding copy of observations recorded in the Home Department of the Government of India on this Government letter No. 4405, dated 27th November 1866, regarding the cession to the Municipality of Ahmedabad of the sale proceeds of the right of occupancy of land situated within the municipal limits, and requesting that the cession may be rescinded.

RESOLUTION.—Copy to be forwarded to the Revenue Commissioner for any remarks he may wish to offer.

2. Especial reference should be made to the bearing of these orders on the costs of the Survey now in progress.

(Signed) H. E. JACOMB,
For Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D. (with copy of the Government of India's letter and of its accompaniment).

No. 610 OF 1868.

Panch Mahals Districts, 20th February 1868.

Forwarded to the Collectors of Ahmedabad and Surat for opinion and report.

A. ROGERS,
Revenue Commissioner, N.D.

No. 465 of 1868.

To

A. ROGERS, Esq.,
Revenue Commissioner, N.D.

Camp Bhestan, 12*th March* 1868.

Sir,

I have the honour to submit the report on the cession of the proceeds of occupancies to municipalities, called for in your No. 610, of the 20th ultimo.

2. The Government of India is apparently under the impression that the Bombay Government has made this cession because it thought the municipalities had a right to it on the ground that they are the parties "who were responsible for the theoretical advantages of the site" (from which the value of the occupancy is derived) "being practically secured." The Government of India freely admits that the municipalities have a claim on this ground, but thinks that it has been more than satisfied by the grant of the whole proceeds of occupancies, or "five times the amount of its own rental," and that as Ahmedabad has not, like Kurrachee, claims to special assistance on imperial grounds, all that should be conceded is permission to assess Government land according to its rental in the same proportion as other landed property.

3. Were the premises of the Government of India correct, it might be rejoined that since they admit that the rent of Government land rises from Rs. 7 to Rs. 48 per acre, or seven times, through its being taken up for building purposes, and that this is an advantage which the municipality are responsible for practically securing, the cession of only five times the amount of rental instead of seven times, was, if anything, too small, instead of too large, a concession. And it might be added that the form selected for reimbursing the municipalities by letting them have whatever each occupancy will fetch in open market is about the fairest and simplest way of giving them a payment "bearing some proportion to the value of the land," and is, moreover, a "cash payment at once," for which the Government of India expresses a preference, as also the most advantageous mode for Government, since it is in fact a composition for 99 years of the claims of the municipality, which would otherwise, if assessed on the property, increase annually with the progress of civilisation, and in time probably absorb all the Government income.

4. The fact is, however, that the cession in question is based on grounds totally different from those supposed, being simply a reimbursement to the municipalities for the expense of surveying

Government lands which they are bearing. This will be seen clearly from Government Resolution No. 3044, of September 9th, 1863, as also from the subsequent resolutions regarding the surveys of Surat, Broach, and Balsar.

5. So far from the cession which is objected to being in any way a gain to the municipalities, it has been since found, as you are aware, that they had made a—for them—most unfavourable bargain, and it has been recently necessary for Government to undertake the cost of the superior officers of the survey, the municipalities paying only the subordinate establishments, in order to adjust the burden tolerably equally between the two. In illustration of this I may give the quotation in the margin, which concisely states the financial result of the revised arrangements which have been sanctioned in Government Resolution No. 3921, of November 14th, 1867, nothing can be fairer than the principles on which these arrangements are based, and Government could in no way be a gainer by altering them.

Extracts paras. 13 *and* 14 *of the Collector and Superintendent of Survey's joint report, No.* 1367, *August* 24*th.*

"13. The interest of 3 lakhs of rupees, which the municipalities are expected to realise, being Rs. 15,000 a year, it will be seen that they and Government will receive about equal annual returns from the survey. But Government will get this annual return at a cost of only Rs. 72,580, whereas the municipalities will have to pay Rs. 1,14,000 for the same amount. Again, if we deduct the interest of these two sums, viz., Rs. 3,625 and Rs. 5,700, respectively, from the annual returns of Rs. 15,000 obtained by each party, the result is a profit of Rs. 11,375 per annum to Government, but only Rs. 9,300 per annum to the municipalities. If in addition to this it be borne in mind that the gain to the municipalities is once for all, whereas Government possess the right to re-assessment, and fine for continued occupancy at the end of 99 years—a right, the value of which may be enormous, and are also proprietors of the maps and survey records—it is impossible to resist the conclusion that the arrangement is very favourable to Government.

"14. There is also a further large advantage to Government that the present survey is performing work which would otherwise be undertaken in ordinary course by the Trigonometrical Survey (which measures all large cities in detail) and will perform it at about half the cost which that agency would involve even if the extended arrangements now proposed are sanctioned."

6. The cession being thus shown to be on totally different grounds from those supposed by the Government of India, the objections of the latter necessarily fall to the ground as far as it is concerned. But they are in themselves most important in another way as admitting on the part of Government a liability to the municipalities which the latter have never yet urged. They will, no doubt, be ready to do so on the matter being brought to their notice.

7. In conclusion, I beg to state, with reference to the concluding portion of the Government of India's memorandum, that the right of occupancy is usually sold in Surat, Broach, and Balsar,

and also, I believe, in Ahmedabad, for 99 years only, a right of re-assessment and fine for renewal of occupancy being reserved to Government at the end of that time, and that the assignment made to the municipalities of a share in the assessment of alienated lands has been withdrawn by Government Resolution No. 1150, of March 21, 1867. I may also explain that the one anna rate for temporary occupancy is in practice very rarely charged, and that when it is, there is no title of the Government share being endangered, since the whole is levied by the Revenue Department, and the municipal share disbursed subsequently.

T. C. HOPE.

No. 466.

True copy forwarded for the information of the Collector of Ahmedabad.

T. C. H.

No. 196.

FROM

A. O. HUME, Esq., C.B.,
Secretary to the Government of India,
Department of Agriculture, Revenue, and Commerce,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

(Land Revenue and Settlement.)

Simla, the 19th August 1871.

SIR,

I am directed to acknowledge the receipt of your letter No. 485, dated the 28th of January last, and in reply to state that, looking to the exceptional circumstances of the case, the Governor General in Council is pleased to confirm the proceedings of the Government of Bombay in regard to the cession to the Ahmedabad Municipality of the sale proceeds of the right of occupancy of land situated within the municipal limits of that town.

It must be distinctly understood, however, that His Excellency in Council does not admit any limitation to the Government claim to land revenue within the limits of a town, on the ground that a portion of the annual value is due to the labours and expenditure of the municipality.

I have, &c.,

(Signed) A. O. HUME,

Secretary to the Government of India.

(True copy)

WASSOODEW PANDOORUNG,

Assistant Secretary to Government.

City Surveys.

No. 5115.

REVENUE DEPARTMENT.

Bombay Castle, 13*th October* 1871.

Letter from the Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce, No. 196, dated 19th August 1871.—Stating, with reference to this Government letter No. 485, dated the 28th January last, that, looking to the exceptional circumstances of the case, the Government of India are pleased to confirm the proceedings of this Government in regard to the cession to the Ahmedadad Municipality of the sale proceeds of the right of occupancy of land situated within the municipal limits of that town; and observing that it must be distinctly understood, however, that the Government of India do not admit any limitation to the Goverment claim to land revenue within the limits of a town on the ground that a portion of the annual value is due to the labours and expenditure of the municipality.

RESOLUTION.—To be communicated, with reference to past correspondence, for the information and guidance of the Revenue Commissioner, N.D. Immediate report should be submitted as to the existing state of matters with regard to the cost of the City Survey and Enquiry into Titles.

(Signed) F. S. CHAPMAN,

Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D.
The ACCOUNTANT GENERAL.
} With copies of the letter from the Government of India.

City Surveys.

No. 6356.

REVENUE DEPARTMENT.

Bombay Castle, 24th December 1872.

Letter from the Revenue Commissioner, N.D., No. 1950, dated 3rd April 1872.—Submitting, with reference to Government Resolution No. 1226, dated 15th March 1872, a more detailed report as to the existing state of matters with regard to the cost of the Ahmedabad City Survey and Enquiry into Titles.

Memorandum from the Revenue Commissioner, N.D., No. 3784, dated 28th June 1872.—Submitting one from the Acting Collector of Ahmedabad, who forwards copy of a letter from Captain H. D. Cathcart, City Survey and Enquiry Officer, together with a statement showing the amount of work still remaining to be done in connection with the Ahmedabad City Survey, as called for in Government memorandum No. 2640, dated 31st May last.

Further memorandum from the Revenue Commissioner, N.D., No. 4636, dated 7th August 1872.—Forwarding, for early orders, with reference to correspondence ending with his office No. 1950, of the 3rd April last, one from the Acting Collector of Ahmedabad, relative to the adjustment of a balance of Rs. 11,445-14-5, which stood at the end of March last, against the City Survey Enquiry Officer on account of advances made for payment of salary of establishment and contingent charges, and debited to "advances recoverable," under the authority of the Accountant General's report No. A-3775, dated 24th January 1870, referred to in Government Resolution No. 578, dated 31st idem.

Further memorandum from the Revenue Commissioner, N.D., No. 4966, dated 21st August 1872.—Submitting information required in Government memorandum No. 3285, of the 9th July last.

Further memorandum from the Revenue Commissioner, N.D., No. 6944, dated 2nd December 1872.—Submitting one from the Collector of Ahmedabad, No. 2332, dated 23rd ultimo, who forwards copy of a letter from Mr. MacCartie, the City Enquiry Officer, affording explanation on the several points mooted by Government in their memorandum No. 4279, dated 29th August last.

RESOLUTION.—The cost of the Survey and Enquiry into Titles up to the 31st March 1872 has been as follows :—

By Government.			By Municipality.			Total.		
Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
50,605	1	7	63,232	13	3	1,13,837	14	10
Out of current receipts since 1st July 1870 ...						11,948	15	6
						1,25,786	14	4

For this expenditure the receipts have been—

In lump sums.

Government.			Municipality.			Total.		
Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
28,580	2	8	8,143	14	3	36,724	0	11

In annual payments capitalised at 20 years' purchase.

62,563	2	0	1,84,688	7	0	2,47,251	9	0
91,143	4	8	1,92,832	5	3	2,83,975	9	11

or, deducting the sum paid out of current receipts, Rs. 2,72,026-10-5.

2. The cost of completing the Survey and Enquiry into Titles is estimated as follows, on the principle with regard to division of cost in force before the municipality gave up their right to profits, and the expenses were paid out of current receipts :—

Government.			Municipality.			Total.		
Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
19,887	4	0	12,899	6	0	32,786	10	0

The return is estimated as follows :—

In lump sums.

Government.			Municipality.			Total.		
Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	a.
70,444	0	0	2,05,067	0	0	2,75,511	0	0

In annual payments capitalised as above.

54,104	11	0	42,221	15	8	96,326	10	8
1,24,548	11	0	2,47,288	15	8	3,71,837	10	8

3. Adding past and estimated future cost and receipts together, it appears that at a total expense of Rs. 1,58,663-9-6, a return of Rs. 6,55,813-4-7 may be expected. Of the future receipts, however, Rs. 2,34,359 are on account of sale proceeds of land, which it will take many years to realise, if it is ever realised at all. But allowing for this, it seems clear that it will be quite worthwhile to continue the City Survey and complete it.

4. The accounts between Government and the Municiplity may now be adjusted according to the principles explained in the Revenue Commissioner's letter No. 1950, of the 3rd April last, and a clear statement of the adjustment submitted for information.

E. W. RAVENSCROFT,
Acting Chief Secretary to Government.

To

The REVENUE COMMISSIONER, N.D. (with the papers referred to in his memorandum No. 1297, dated 6th March last).

The COLLECTOR of AHMEDABAD.

The ACCOUNTANT GENERAL (with a copy of the Revenue Commissioner's letter No. 1950, of the 3rd April last).

PRINTED AT THE GOVERNMENT CENTRAL PRESS, BOMBAY.

Abstract of the Proceedings of the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations under the provisions of "THE INDIAN COUNCILS' ACT, 1861."

The Council met at Poona, on Friday, the 28th August 1868, at mid-day.

Mr. Ellis moves that the City Surveys and amendments of Bombay Survey and Settlement Act Bill be read a first time.

The Honourable Mr. Ellis, in moving the first reading of the City Surveys and Amendment of Bombay Survey and Settlement Act Bill, said that the usual statement of objects and reasons explained briefly the reason for the introduction of this Bill into the Council. It might be well, however, to mention a few other matters connected with the provisions therein contained, as some misunderstanding appeared to prevail as to the character of the operations to be carried on under the Bill; such operations in fact were already being carried on in Ahmedabad, Surat, Broach, and Bulsar. It was in 1863, when the Gujrat Survey had completed a very great portion of its work in the Ahmedabad Zilla, that difficulties arose in regard to the assessment of certain lands in the immediate neighbourhood of Ahmedabad. Around Ahmedabad there were large plots of land, some of which were the property of private individuals, and some of which belonged to Government as the successors of the former rulers of Ahmedabad, which plots were not assessable according to the ordinary test applied to culturable land; for if that test were used, it would give the lowest possible result, inasmuch as the land was as ill suited as it could be to assessment on calculations based upon the agricultural qualities of the land. On the other hand, the lands themselves were of great value, from the fact of their being in the immediate neighbourhood of the city, and since the railway had been taken to Ahmedabad they had acquired a greater value than they ever possessed before. Under those circumstances, the Survey officers found themselves placed in difficulties which were increased from the fact that many lands that were culturable were burdened with sánt, or assessments payable under certain conditions, when the land was cultivated. These lands originally belonged to persons who had former rights, but whose right of possession was lost, and they were allowed to retain the right over the land to the extent of those payments. There were thus many complications, as well as the fact that a great portion of the lands in the immediate neighbourhood of the city derived their value, not from their culturable qualities, but from their being situated in the immediate neighbourhood of a great city, and their consequent qualification for building purposes. Considerable discussion took place on the subject, and at the same time were brought to notice the difficulties

at Ahmedabad from the want of maps and surveys. These difficulties were of two kinds; in the first place, it was not uncommon when some person bought a piece of land, for another individual to get up a petition, stating that the purchaser was going to build on a plot of ground which belonged to Government; and thereupon the building operations were put a stop to and the purchaser was served with a notice from the Collector. Thus building operations were stopped for years and years in the city of Ahmedabad pending inquiry. On the other hand, there was a tendency—very often found in large towns and cities—among persons otherwise highly respectable, to encroach upon lands belonging to the Government. This circumstance arose from the want of proper maps and he recollected one notable instance that occurred. It was a case in which a tradesman was owed two hundred rupees by some reduced member of an old family, who at the time was engaged as a Puttewalla. It occurred to the tradesman that as the Puttewalla was unable to pay him the debt, he might recover his money in another way, and what he did was this: he brought a suit against the Puttewalla, obtained a decree against him, and in satisfaction thereof attached a piece of land which the Puttewalla, as the price of being freed from his debt, admitted to have belonged to his (the Puttewalla's) ancestors. All the papers necessary were made out, and the land, to which neither trader or Puttewalla had the slightest right, was handed over to the trader in satisfaction of the Puttewalla's debt to him. This was only one instance of the way in which encroachments had been made. It was hardly necessary in that Council, although it might be in other quarters, for him (Mr. Ellis) to remark on the advantages of a proper record, especially in large cities, securing the rights of parties to their property; and he would not take up the time of the Council by dilating upon so obvious a point. But of course there were some persons who had objections to this kind of survey, for there were dishonest people who did not like to see an easy mode of obtaining land cut off from them, and who were sorry to see their chance of infringing on the Government's or their neighbours' land taken away. There was a class of not over-scrupulous Vakeels—he did not speak of the body of Vakeels generally—who would be sorry to see so fruitful a field of litigation closed to them. Such Vakeels were always ready to conduct cases in which fictitious claims were made, but with respect to other classes of the people he had reason to believe that the work which had already been done by the Survey officers had been anything but unpopular: for there was sufficient sense among the people in towns where the work had been carried on, to see that there were great benefits derivable from the survey. He might mention that the surveys had been carried on in immediate connection with the municipalities of towns, and that the

municipalities were bearing a large portion of the expense; and although there were minorities who objected to any expense, yet sufficient grounds had been shown for inducing the belief that a very fair return for their money would be realized, and thus a large majority would be agreeable to the expenditure which was being incurred on their behalf. The survey had been conducted, not only for municipal, but for municipal and fiscal purposes, and the municipalities and the Government were sharing the expenditure as they would share the proceeds. It would be asked what the proceeds were. The chief portion of them were to be derived from the sale of Sunnuds or title deeds, confirming holders in their possessions, and maps showing exactly the proper boundaries and limits of their property. He saw from some of the native papers that the general supposition was that the Bill was intended to disturb existing titles and to dispossess a large number of people of the properties which they had held for years. Now he had before him the Annual Progress Report of the Survey of the cities of Ahmedabad and Surat and the towns of Broach and Bulsar, which showed that it was not proposed—as he had before stated—to introduce by this Bill anything new. It was only the necessity for having a proper legal title for what had been and was being done that made an enactment indispensable; for he believed, that so far as the majority of persons were concerned, they might otherwise have gone on to the end without any legislative enactment on the subject. But of course to give legal effect to the measures taken it was necessary that a Bill should be introduced. Well, the report he referred to, recorded the results of the surveys made at Ahmedabad, Surat, Broach, and Bulsar, during last year. Taking the case of one, Ahmedabad, it appeared that last year 5,283 cases were adjudicated on by that summary mode of inquiry which it was supposed in some quarters was to be so fatal to the titles of all landowners in towns and cities. Out of the 5,283, the holders in 149 cases were offered summary settlements, which meant that of the total number 149 of those persons had to pay two annas in the rupee of what would be the full assessment of their property. In seven cases the claimants had encroached upon public roadways, and so come under the Section of the Bill which provided that recent encroachments must be vacated and taken possession of by the Collector. In one hundred of the cases the holders were decided to be liable for the full assessment. In seven cases, the occupants were found to have exposed themselves to the penalty laid down in Bombay Act I. of 1865, Section XXXIII. The bulk of 4,854 holders, out of 5,283, were confirmed in their titles, and exempted from the payment of assessment,—that was the result of the working in one city; and he might state that of those who had the option of appeal, 31 did appeal. Of the 31 cases, the decisions

of the Revenue officer were upheld in 19 cases, twelve were modified or reversed. In Surat, 3,008 decisions were passed last year. Out of that number, one case only came under the summary settlement and paid two annas in the rupee. Twenty-three of the holdings proved to be Government land and liable to assessment. In the remaining 2,984 cases the holders were confirmed in their holdings. He would propose that this report of the Revenue Survey and Assessment should be circulated to the members of the Council, and also, with His Excellency's permission, that it should be placed at the disposal of the Press, in order that it might be seen what the operations of the survey really was, so that the public might at once have opportunity of seeing how far the insinuation was true that the Survey was a system of confiscation, or, as had been alleged, another Inam Commission. There was one other point, of which a good deal had been said, that perhaps required explanation, and that was with regard to the powers given in the Bill to the Survey officers to enter houses. He had every reason to believe that all that had been said on that matter had been very great exaggeration, for he knew that up to the present time, in some of the towns and cities, there had not been a single complaint, and in others, they were very rare. That proved what he had said, that the people did not object to the survey, but on the contrary, had given it the fullest and most cordial assistance. So much was it the wish of the officers of the Survey that the feelings of the people should be consulted, that it was laid down as a rule, that no low paid subordinate should enter a house for the purposes of the survey, except with the consent of the owner; and that if he refused permission, the subordinate officer was to go to higher authority and obtain instructions. He (Mr. Ellis) need not state that it was impossible to make a survey in a thickly populated town without sometimes having to enter houses. As a rule, all the information that was required could be obtained from the measurement of the compound, but when there were no means of getting at the depth, it might be necessary to enter houses occasionally. The power to enter them, therefore, was necessary in the Bill; but it was a power—to judge from the results of the surveys hitherto—that was seldom required to be put in force. He (Mr. Ellis) did not know that at present there were any other points which he need detain the Council upon, but he would state that he proposed to proceed leisurely with the Bill, so that if any one had objections to particular clauses he might state them. He (Mr. Ellis) had taken steps to obtain for the Council, before honourable members were finally asked to determine on the Bill, some further statements in addition to those they had before them, showing the nature of the survey, and what valuable results were being arrived at, and how it was being carried on. This statement

would be in the hands of the Council before the next meeting, and if the Bill was read a first time that day he would propose, in moving for the appointment of a Select Committee, that their report should not be presented earlier than the 15th of next month, so as to give time for any one to bring before the Committee any subject that might be considered to be of importance. He begged to move that the Bill be read a first time.

Report of the Select Committee appointed on the 28th August to report on Bill No. 3 of 1868, A Bill to remove doubts as to the applicability of (Bombay) Act I. of 1865 to Towns and Cities, and to extend the term for which Government may fix the Assessment of Lands in Towns and Cities, and to confirm existing rights of occupancy of such lands, so far as the interest of Government is concerned; and to make further provision regarding the application of (Bombay) Acts II. and VII. of 1863 and I. of 1865 to Towns and Cities, and otherwise to amend (Bombay) Act I. of 1865.

Your Committee have carefully considered the provisions of the Bill. They have also had under consideration the Petitions noted in the margin. These Petitions have been printed, and are now before the Council. There have also been received certain Petitions in the Vernacular unaccompanied by translations as required by No. 41 of the Council Rules.

1. Petition from the Members of the Bombay Association.
2. Do. from do. of the Satara Association.
3. Do. from the Inhabitants of Broach.
4. Do. from the Inhabitants of Neriad, in Karia.
5. Do. from the Inhabitants of Ahmedabad.
6. Do. from the Inhabitants of Tanna District.
7. Do. from the Inhabitants of Moondha, in Kaira.
8. 9. 10. Letters from Mr. Shantaram Narayen.
11. Petition from Hormusjee Jehangeer, Proprietor of Suza Exeer, Taluka Salsette.

2. Your Committee deem it unnecessary to enter into the question of the applicability of previous enactments to Towns and Cities, as they are clearly of opinion that a survey for the measurment and definition of lands in Towns and Cities is in itself beneficial and proper. And in respect to the fears entertained that the present Bill is a measure for the general assessment of such lands, your Committee would refer to the sections of the Bill relating to assessment, from which it will appear that there is no intention of assessing any lands hitherto exempt, unless they have been unauthorizedly occupied within a period of five years.

3. In considering the details of the Bill, your Committee have had special regard to the observations made by their honourable colleague, Mr. Byramjee Jejeebhoy, at the last Meeting of

Council. It will be seen from the following brief summary that the greater part of his suggestions have been adopted. Many of the recommendations contained in the memorial from the Bombay Association, and in some of the more intelligent of the Petitions, have also been adopted.

4. In the following summary the numbering of the sections refers to the Bill as amended, the numbers in brackets showing the sections in the original Bill.

5. Section II. has been added. This section has the effect of restricting the application of the Summary Settlement Acts in Towns and Cities, to the case of lands now used for cultivation only, see Section VII.

6. In Section III. (II.) the word "assessable" has been introduced before the words "lands in Towns and Cities" in the fifth line, and other verbal alterations have been adopted, in order to make it clear that the object of this section is not to introduce any new assessment, but simply, in the case of assessments leviable under existing laws, to allow Government to fix a longer period than 30 years, the limit allowed to settlements by Section XXVIII. of (Bombay) Act I. of 1865.

7. The benefits conferred by Section V. (IV.) have been extended to all holders of land for a period of 5 years and upwards. The original section fixed the limit at 20 years. As suggested by the Honourable Mr. Byramjee Jejeebhoy, the words "owner or occupant" have been substituted for the word "occupant."

8. Section VI. (V.) has been recast to bring it into conformity with the preceding section. As it now stands no appropriation of Government or public lands of older date than 5 years will be interfered with. Government lands unauthorisedly taken possession of within 5 years will become liable to assessment for the future; and where the appropriation is shown to have taken place within 2 years, the holder will also be called upon to pay the occupancy valuation, on the same terms as his neighbours who have obtained plots of Government land after due application made to the authorities.

9. A proviso has been added to Section VII. (VI.) in order to meet the case of town lands coming under the Summary Settlement now used for cultivation, but which may eventually be used as building sites. As long as these lands are used for cultivation they cannot bear the rate appropriate to building sites. Provision has therefore been made so that the building rate may not be levied until the land is used for building purposes.

10. Section VIII. (VII.) which provides the remedy for unauthorized encroachments on the public roadway has been much

modified. Owing to a clerical error, by which Section III. was referred to in line 4 of the original Bill instead of Section IV., it appeared as if no period was fixed within which encroachments on roadways might be resumed. With this error corrected the limit of time provided by the original Bill was 20 years. It is now proposed to reduce this limit to 12 years. As regards the buildings for which compensation is to be granted, the words "of a permanent character," objected to by the Honourable Mr. Byramjee Jejeebhoy, have been omitted, and by the further omission of the words next following compensation is allowed in the case of buildings used for whatever purpose. It will be seen also that the rule regarding compensation has been relaxed in favour of verandahs and porches. A proviso has also been added to allow of arbitrators being appointed in cases where the owner of the building is not satisfied with the compensation tendered by the Collector.

11. The provisions of Section IX. (VIII.) have also been considerably modified. Unnecessary entries on lands and premises have been provided against; the term of notice before entry in the case of a dwelling-house has been extended from 24 hours to seven days; and it is provided that in entering dwelling-houses due regard shall be paid to the social and religious prejudices of the occupiers.

12. The delegation of a Collector's powers under Section XII. (XI.) is restricted in the case of Survey Officers to those of not lower rank than a Sub-Assistant Superintendent of Survey.

13. A Section has been added as No. XVIII., to provide powers to sub-divide a Talookdaree estate in Goojerat at the request of a majority of the holders. Clause 2 of this Section provides by whom the cost of subdividing Talookdaree estates shall be borne.

14. A new Section XIX. has also been added to obviate inconveniences which have been felt when the Survey Act (Bombay) I. of 1865 has been applied to alienated villages. This matter was brought to the notice of the Select Committee by Mr. Hormusjee Jehangirjee, the holder of certain alienated villages in Salsette.

15. The wording of the Title and Preamble has been altered to suit the amended provisions of the Bill.

16. The above summary of the chief points regarding which amendments are proposed, shows that very extensive alterations have been made in the details of the Bill, and that the original provisions have been very greatly relaxed in favour of the people affected thereby.

17. Your Committee recommend that the Bill be passed in its present form.

B. H. ELLIS.
S. MANSFIELD.
MUNGULDASS NUTHOOBHOY.

2nd October 1868.

The Honourable Mr. Ellis' observations on the Bill.

The Honourable Mr. Ellis said that as the provisions of this Bill had been very much modified in Committee, he proposed that an early day should not be fixed for the further consideration of the Bill, with the view that the modifications which had been made, might become fully known, and that the Bill in its present form might have a sufficiently wide circulation. But as there would be this delay, he would beg permission, in stating the course which he proposed to pursue, to offer a few observations upon certain points in respect to which considerable misapprehension appeared to exist; and he would do so, without troubling the Council with those points that would more properly be dealt with on the occasion of the second reading. But as there would be some delay, he would merely submit a few remarks in reference to the misunderstanding as to the intentions of the framers of the Bill. In the first place there had been some misapprehension as to the principle of the Bill, but it was hardly necessary to deal with that now, as a proper opportunity for explaining what that principle really was, would be afforded him in moving the second reading of the Bill. But in one very prominent point of detail, apprehension had been excited in the minds of the people of the City of Bombay, lest the provisions of the Bill should be made applicable to them. Now he would mention that it never was intended to make the Bill applicable to Bombay, for in the first place, there existed already under the Bombay Municipal Act of 1865, ample powers for carrying out the field portion of the survey of the City of Bombay, and in the second place, the Regulations on which this Bill was based were not applicable to that city. It was never intended therefore to apply this Bill to Bombay; but in order to do away with the misapprehension on that point, the Select Committee had inserted a clause in the Bill, declaring specifically that the Act should not apply to the City of Bombay. Then again there was some misunderstanding as to the second Section of the Bill, which as originally worded was one intended solely for the advantage of the holders of lands in towns and cities, but the Section was misconstrued so as to lead to the belief that the object was to

give the Government power to levy assessments where no assessments had been levied before. But this was not the case. The clause was framed in order that when assessment was leviable under other Acts, the Government should have the power to fix such assessment for a longer period than was permissible under those other Acts. He might mention that under the Bombay Survey and Settlement Act, settlements could be fixed for only thirty years, but it was obvious that in cities and towns the term should be longer. He need hardly state that there was not the slightest intention of using this section to impose any new assessment; but the Committtee had made an alteration in the Bill that he hoped would do away with such an impression. Then again there had been a misconception as to the use of the word "occupant" instead of "owner." The former word was used because the survey dealt with occupancy—not with ownership. For this, and for no other reason, had the word "occupant" been used. He would refer to the wording of the Sunnuds, from which it would be seen that Government admitted that property in Town lands was private property. But as there was no objection to insert the word "owner" the draft Bill had been altered accordingly. There was also a misconception as to the Sunnuds themselves, and it had been said that the Government were professing to issue documents conferring a valid title when no such title was conferred. Now it never was pretended that sunnuds issued under the Act would confer an absolute title, but what the sunnud would do was this; it would give a title against Government; and in the next place, the sunnud, in course of years, became the very best evidence that could be produced, of possession and occupancy at the time when the survey was made, and looking at the value of a prescriptive right he thought it would be no small thing to give the means of a proof of prescription. Then again there was a misconception in the matter of encroachments on the public roadway, for which provision had been made in Section VII. of the Bill as originally presented, but this, he (Mr. Ellis) must admit was owing rather to the fault of those in charge of the Bill than to that of the public, because on account of a clerical error (by which Section III. was referred to in the original Bill, instead of Section IV.) it had appeared that the right of resumption was unlimited in cases of encroachment. But as this error had been pointed out in the report he would not further allude to it. Then there had been some agitation as to the provisions of Section VIII. and the right of survey officers to enter on lands and premises for the purposes of survey. There had been great exaggeration and he thought it was pretty well admitted now, that no great danger was to be apprehended from the powers given under this section; the right was one which very seldom need be exercised; still it was necessary that

such a power should be given to the officers of Government, because the want of it in one or two cases might vitiate the work of the survey. The Committee had secured the right but had placed such restrictions on its exercise as would prevent any interference with the social customs and religious prejudices of the people. He hoped, therefore, that those who had raised, or countenanced the agitation, would now take steps to re-assure the public mind and convince those who had been frightened, that their alarm was groundless and without foundation. There was one other point of considerable importance to which he would refer. It was supposed that the Bill was devised with one principal object—that of depriving people of a remedy in the civil courts in respect to land of which they might be deprived by the Collector, or of damages for wrong which they might suffer by his decisions. The fact was that the only cases in which, under the draft Bill, remedy under the Jurisdiction of the Civil Courts would have been barred were those occurring under Acts II. and VII. of 1863, a very limited class of cases. But for all decisions under Act I. of 1865 and for all the new provisions of this draft Bill, no such provision was proposed. On the contrary, the sections of Acts II. and VII. which gave such power had been expressly omitted, for Sections XIII. and XXVIII. of those Acts respectively, which prevented the Civil Courts from questioning the Collector's decisions, were not contained in Section XIV. of the draft Bill. That section merely provided that officers of Government should not be liable to be sued for actions done under this Bill *bonâ fide* in the discharge of their duty: but there was nothing to prevent any officer from being sued for misconduct, or for acts caused by gross negligence on this part. That was to say if the Collector were to do something which was grossly and obviously wrong, he would not be protected by pleading that he had acted *bonâ fide*; nor, on the other hand, would there be anything to prevent an aggrieved individual from taking proceedings against Government on account of any wrong or damages that he had been subjected to by an officer of Government. But in order to do away with the objection the Select Committee had removed that provision in the original Bill. There was therefore no provision in the Bill as presented now, which could prevent the civil courts from taking cognizance of the acts of the Collector in respect to the title to any town or city lands. He would not detain the Council by going into all the sections of the Bill, because the opportunity for so doing would be offered on another occasion; and he had troubled the Council with these remarks solely as to the misapprehensions which had existed, but which he trusted would now be removed. He would have no other opportunity, as most of the sections in relation to which the misunderstanding had arisen, had been either entirely removed from the Bill or now

appeared under a different form. He might add that besides the petitions mentioned in the margin of the Select Committee's report, there were others sent in the vernacular, which, being unaccompanied with translations required by the rules of the Council, ought to have been returned; but as the Committee were desirous of having all the information possible on the subject, they had the petitions translated for their own information, though of course those petitions could not be presented to the Council. In conclusion he would beg to say that he should be prepared to proceed with the Bill at the first meeting after the Dewali holidays, which would afford ample time to consider the measure in its amended form.

The Council met at Bombay on Tuesday, the 3rd November 1868, at noon.

The Honourable Mr. Ellis moves the second reading of the Act for City Surveys and amendment of Bombay Survey and Settlement Act, 1868.

The Honourable Mr. Ellis, in moving the second reading of Bill No. 3 of 1868, "A Bill to make further provision regarding the application of (Bombay) Act No. I. of 1865 to Towns and Cities, and to restrict the application of (Bombay) Acts Nos. II. and VII. of 1863 in Towns and Cities, and otherwise to amend (Bombay) Act No. I. of 1865," said that this Bill had been already fully discussed by the public outside, and by the members of the Council upon the occasion of the first reading, and also in Select Committee, where the Committee had the advantage of hearing a gentleman who appeared upon the part of "the Bombay Association," and discussed the Bill in all its details. This being the case, it was not required of him now to detain the Council at very great length in explaining the provisions of the Bill: but there were some points upon which it perhaps might be expected that he should offer explanation. It had been asserted by those who at the outset opposed the Bill, that an entirely novel principle was being asserted when it was assumed in this Bill that Government had the right of taxing and deriving revenue from lands within the limits of towns and cities. Now he (Mr. Ellis) did not mean to say for a moment that there were not many lands in towns and cities, a very large majority in fact of lands in towns and cities, in respect to which the Government, at present, had no right whatever to clain or obtain assessment or land revenue. But he would maintain that this right, as against Government, was not an inherent right, but a right which had been acquired in the same way as in other cases, either by grant or by prescription derived from long possession. He need not go back to the days

of Manu and the primitive ages, to discuss whether Government was the original lord of the soil, or whether any man who first dug that soil had the right to the land which he so occupied. Had it been a question of the right to mountain tops, jungles, and waste deserts, occupied for the first time by man, there would be room for argument perhaps, for in those places nature had done everything and man had done nothing. But it was strange that the argument had been applied to towns and cities which owed everything to civilization and to Government, and where it would be impossible to maintain law and order for a single day if all open spaces and open ground were to be considered, not as he (Mr. ELLIS) asserted they were, the property of the public, held in trust for the public by Government, but the property of the first man who chose to seize and take possession of them. It must be borne in mind that cities had not sprung up at once out of jungle wastes. It was true many cities in India had been created at the sovereign will of a despot in a very short time; the dwellers in a city thus built could have looked to none but the sovereign of the city as the giver of the land they held. But to take the ordinary case of the slow growth of a city—how was the original hamlet found to have grown to be worthy the name of a city? At first, perhaps there might have been a few squatters gaining their livelihood by the cultivation of the lands round their huts, and then fields were subsequently taken up for building houses, or house-building began on an otherwise useless site; in either case it was the policy of the Government of the time to attract settlers, and by the conveniences offered to draw the mass of population to a particular locality, and the first thing a Government had had to do, was to offer free sites. Thus persons who had come with the permission, if not at the express call of Government, had settled and made themselves houses upon spots assigned for the purpose by the Government. By degrees those cities had grown, and eventually it had been necessary to include in them, not only unculturable land, but even cultivated fields in their neighbourhood. It was within the knowledge of every one in the Council that at Poona, for instance, there were places, which a very few years ago were mere bajree fields, but which were now covered with bungalows. It was in this way that cities grew, and there could be no peculiarity in the land of cities to exempt them from the ordinary rules of land assessment. The lands within cities had been gradually taken in from the outside, and, like those outside lands, were liable to assessment by Government, unless a right to exemption had been acquired by specific grant or by long possession giving a prescriptive title. It was precisely for this state of things that the old regulations were framed. Regulation XII. of 1827 was, to his (Mr. ELLIS') apprehension, quite clear in including within the

lands over which Government had the power of assessment all land of whatever description, whether applied to agricultural or to other purposes, unless such lands were exempt under certain rules explained in the latter chapters of that Regulation. And that this was no fanciful view, might be clearly proved from the fact that from the time the Regulation was enacted, until it was cancelled by the passing of Act VII. of 1863, the officers of Government acted upon it. It could not be known to those who had argued to the contrary effect, that it was the constant practice in the largest cities of Guzerat, for the Collectors to serve notices upon the holders of such lands, just as such notices were served on lands outside a city, whenever it was supposed that the holders were enjoying an exemption from assessment on insufficient grounds. The notice was to the effect, that on failure to prove a title within two months, the land would be assessed, and frequently such assessment was carried into effect, the holder having the right of appeal to a civil court. He (Mr. Ellis) had seen many notices of this description which had been served upon the holders of land within the city walls of Ahmedabad, and he had written to the Settlement Officer at Ahmedabad to send half a dozen of such notices for inspection with reference to the present discussion. Mr. Bulkley sent five or six notices, all of which certainly referred to lands within the city walls, and might or might not refer to lands useful only for building sites, but regarding one there could be no doubt, for it was a notice served on a holder of land at the Teendarwaza of Ahmedabad, which, as all who knew Ahmedabad must be aware, was in the heart of the city, in a part very thickly populated and very thickly built upon. Out of the notices served in former days, some were decided in favour of the claimants, and some in favour of the Government, and a great many were still undecided when the Regulation ceased to be law. There seemed therefore to be no doubt but that, not only according to first principles would it be natural to expect Government to have the right to assess lands in cities, but the same view was affirmed by the Regulation of 1827, and unquestionably acted upon from the date when that regulation was first passed until it was cancelled. But although the right to assess existed, yet the principle of exempting lands built upon from assessment had been very generally acted upon by Government for reasons of policy. In all small villages, for instance, it would be bad policy when the whole, or nearly the whole of the inhabitants, consisted of persons engaged in cultivation, to put any extra assessment on the lands upon which their houses were built. It was not necessary to assess such house lands, because the contributions to the revenue were taken in another shape. As an illustration of this, he would call to

recollection Bombay Act V. of 1862, which was passed in order to prevent those who held, free of assessment, sites upon which a house was built, from alienating such building sites, apart from the fields attached to them. The Act referred to a certain class of villages in Broach, in which the Bhagdaree system prevailed. In these villages the houses were on sites rent free, but attached to cultivated lands paying assessment. It was not uncommon, in execution of a decree, to attach a house and site, and the purchaser would make the holder pay rent, though the site ought to have remained free while the obligation in respect to the cultivated and assessed land remained untouched. To prevent the alienation of a free site except with the whole of the cultivated land in the Bhag, to which it belonged, Act V. of 1862 was passed. This example would show that the custom of giving a free site in villages, was connected with the policy of giving cultivators land for a house, without the obligation to pay rent. Moreover, there was another large class of villages in Gujrat, called Narwadaree, which had recently been settled. In these, it had been the custom to take rent for land upon which the sub-tenants' houses stood. It was desired by the Government that in the same way as in other small villages, this rent or assessment should be remitted, but the Narwadars objected, and thereupon the Government could only say that as assessment had hitherto been paid the Narwadars might still continue to collect it, and the assessment so levied would form part of the assets upon which the assessment to be fixed by Government on the whole village, would be based. Accordingly, in those villages to this day, the Government continued to levy a share of assessment upon the land on which houses were built, because the Narwadars who had also a right and interest in such assessment refused to give up their share of it. These examples showed that even in small villages, the land on which houses were built were by no means held free of all obligation to pay Government assessment. There were other villages in which the custom of paying assessment on house land under the name of Ghurbharoo, still obtained. In larger towns there was the same right of Government to assess, and if the amount of assessment was not large, there was more than one reason for this. In the first place, as before said, the greater part of the population received free sites, or even if they took the sites without permission they had by long prescriptive right a title against any Government. In the second place it was very commonly the practice of Government to dispose of their right and interest in the rent outright, and it was usual for those who were about to build, to ask that the land should be sold to them outright, and in this way, not only in the city of Ahmedabad, but in all Gujrat, many

pieces of land had been disposed of by auction. Thus in many instances, in towns, all right to the land or to assessment on it was given up by Government. In Broach also at this very time, there were more than 300 holdings, embracing upwards of 35,000 square yards, paying revenue and assessment to Government. In Surat, likewise, there was land similarly situated. Although the number of these holdings was not very great, yet this was an additional proof that it was no new principle for the Government to take assessment from lands in cities. Indeed it was not easy to see how any distinction could be made; as in the instance of Poona, it was no uncommon thing for culturable lands to be included within the limits of towns. These lands, before liable to assessment, could not by the mere fact of their inclusion in city limits become exempt. Such lands at least must be admitted to be liable to assessment. And again, spaces not occupied within the limits of cities must be at the disposal of Government, for there was no one else to claim them. Government had always disposed of such lands without question. If this be the state of the case, it must be admitted that the provisions regarding assessment in the Bill now before the Council, conferred an absolute boon. If the laws which were applicable to land assessment had been strictly applied in cities, there would have been a great deal of dissatisfaction, not without reason, and it was on this account that some modification was necessary. It has been supposed that Act I. of 1865, referred to in the present Bill, could not be applicable to lands in a city, because no express mention was made of such provisions therein, but at the very time when Act I. of 1865 was passed, the city survey of Ahmedabad was in full operation. It could not be said, therefore, that city surveys were a mere afterthought, and if there was no specific mention made of cities in the Act, it was rather from the larger and more important subject of agricultural assessment generally having engrossed the attention of the framers of the Act, that no specific allusion was made in the Act to the surveys in cities, and although surveys were being carried on in cities, to meet the difficulties that had arisen in regard to assessment, yet at the time it appeared not to have been known that any special legislation would be needed on the subject. The work which had been begun was carried on without any special enactment, but as the work progressed it was clear that it could not be completed without further legislation. The Bill as altered by the Committee was, as stated in the report, very much modified, and he had every reason to believe that the more intelligent of the persons who at first objected to the Bill were now thoroughly satisfied that its provisions, as amended, were exceedingly liberal, and that in its present modified form it was one which the Council need not hesitate to pass. He might mention

that Mr. Shantaram Narayen, who wrote letters to the Council raising objections on the first introduction of the Bill, had in a recent letter stated that the Bill was, as modified, so satisfactory that any further discussion would be mere speculation. The principal alterations were detailed in the report now before the Council and on these he need not detain the Council any longer. There were, however, one or two sections containing general provisions, on which he would make a few remarks as he had not had the opportunity of doing so before. He had been asked with reference to Section XX. why Section 51 of Act I. of 1865 should be repealed. The reason was this. He was in the Council at the time that Bill was passed, and happened to know exactly how that section was inserted. It was not in the original draft, but at the conclusion of a lengthened meeting one of the members of the Council said that Regulation XVII. of 1827 was so closely connected with the Bill then before the Council, that it would be well to read the latter as part of the former. As a mere technicality this was done, without any thought of the consequences. But Act I. of 1865 provided an entirely new machinery for the assessment of lands; this machinery was intended to supersede the machinery of Regulation XVII. without however interfering with the unrepealed portion of Regulation XVII. on any points in which the new Act was inapplicable. The effect was that there became two concurrent modes of proceeding, one under Regulation XVII. and another by the Act of 1865. Instances had occurred in which the Collector maintained his right under the old Regulation to interfere in matters of assessment, whereas these matters were by the new Act entrusted to the Survey Department. With the view to prevent any such collision, and the clashing of the two modes of procedure, it had been thought necessary to repeal this section. He might state that there was no ground for the apprehension that, by the removal of this section, the title to hold land exempt from assessment would be affected in any way, because the provisions of Regulation XVII. relating thereto had been entirely repealed by another Act, and were no longer applicable. These remarks would make it sufficiently clear that there was reason for repealing Section 51 of Act I. of 1865, which was, as he could testify put in hastily without any particular object, and without calculation of the effect it would have on the Act in which it was inserted. Section 17 of the Bill was also one which required notice, because it also altered a section of general application in Act I. of 1865. It was found necessary, in order to prevent undue splitting up of survey fields, to make provision to the effect that in case of a decree of a Court dividing such estates, the Court should not have authority to split up the fields once formed by the survey. But the Act of 1865 went further than was necessary, and in the

Southern Mahratta country inconvenience had been found to arise from the stringency of the clause. To remedy this a new section had been inserted. The object of the provision was simply to prevent the Courts interfering so far as to cut up fields into minute sub-divisions, smaller than public policy, and due regard to a good system of agriculture allowed. The present amendment confined the restriction to such minimum as may be fixed for each class of land in respect to the nature of the cultivation. For instance, there was a difference between a large dry crop field and a small richly cultivated piece of garden land, but in every case there was a minimum below which sub-division was not possible, or if possible, not expedient. A suggestion had been made to publish these minima in the *Government Gazette*, but the great majority of the agricultural population were not readers of the *Government Gazette*, and when the sections were considered in detail, he would propose that the record of such minima should be kept in the Mamlatdar's office and be open to the public, which would be much more effectual than publishing in the *Government Gazette*. There was another clause which required some notice, *viz.*, Section 18, which referred to Talookdaree estates in Guzerat. It had been found there, that owing to the inability of Government to divide estates, considerable hardships were often suffered by the small holders, owing to the great power and influence of the larger holders. The section provided further for the cost being paid out of the estates. There was only one other clause which required notice, *viz.*, Section 19, which had been inserted on the application of Mr. Hormusjee Jehanghirjee, the proprietor of certain alienated villages in Salsette, who pointed out that the Act gave no power to Government to confer upon the holder of a village the authority exercised by village officers, in consequence of which omission he was put to considerable difficulty and inconvenience owing to the interference of the village officers. Since the clause was framed, Mr. Hormusjee had sent another letter saying that what he wished for, was not that the power should be given to Government to delegate such authority, but that it should be incumbent upon the Government to give it to the holders of the villages. Now he doubted whether it was right to go so far. It seemed that under the Act in its present form there was no means of giving such power to any but the native revenue officers, and all that was wanted was to enable Government to delegate it to others. As a rule Government would never give it otherwise than to the holder of a village, but there might be instances of joint holdings or a case in which there were two sharers at enmity, and there might be a difficulty in giving the power to one of them; and it would be still more difficult to give it to both of them. It was better to keep the clause as it was. With these remarks he moved that the Bill be read a second time.

The Honourable Mr. MUNGULDASS NUTHOOBHOY observed that His Excellency the President was aware that when this Bill was first introduced there was great opposition to it, not only from the public but from members of the Council—among whom, he (Mr. MUNGULDASS) was one. In the Select Committee they could not agree to one great point, about which the honourable member was, and still remained, of the same opinion, namely, that previous Regulations included all lands within cities and towns. He (Mr. MUNGULDASS) differed from him, and had the misfortune to be of the same opinion still. But the Honourable Mr. Ellis, although he would not carry out all the improvements suggested to him, had made many alterations. He would not agree with all the objections, but he has been pleased, in deference to the wishes of many people in the interior, to make so many concessions that in its present form the Bill was quite different from what it was, as His Excellency would perceive. The Honourable Mr. Ellis was pleased to offer this compromise, on condition that he (the Honourable Mr. MUNGULDASS) would agree to the compromise which he offered, and he (Mr. MUNGULDASS) had consented to that, knowing that the concessions were so very great as almost to meet the wishes of the petitioners, and knowing, too, that it was to the interests of his countrymen to accept the compromise rather than incur the risk of having the point discussed in Council, where in every probability he would have been in a minority, owing to the great weight which the honourable member's opinion would carry. Therefore he (Mr. MUNGULDASS) had no opposition to offer to the second reading.

Bill read a second time and considered in detail.

The Bill was read a second time and considered in detail.

In Section XVII., line 27, after the word "Government," the following words were inserted: "A record of the minima fixed shall be kept in each Talooka kutcherry, and shall be open to the inspection of the public at reasonable hours."

In Section XIX., line 9, after the word Notification, the following words were added: "or in any subsequent Notification."

In Section XXI. of the Bill the Honourable Mr. ELLIS said, with regard to the definition of towns and cities, it had been suggested that the words of the section should be qualified by a proviso requiring that the towns should contain a certain number of inhabitants, but no particular object would be obtained thereby, for if small towns were excluded from the operation of the Act, they would simply fall under Act I. of 1865 and Act VII. of 1863. There would be no object, therefore, in taking such towns out of this Bill, and it would be of no benefit to them. He thought it might safely be left to Government to determine the matter.

The third reading of the Bill was ordered to come on at the next meeting of the Council.

The Council met at Bombay on Friday, the 13th November, at mid-day.

Mr. Ellis moves that the Bill for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868, be read a third time.

The Honourable Mr. Ellis, in moving the third reading of Bill No. 3 of 1868 (*a Bill to make further provision regarding the application of (Bombay) Act No. I. of* 1865 *to Towns and Cities; and to restrict the application of (Bombay) Acts Nos. II. and VII. of* 1863 *in Towns and Cities; and otherwise to amend (Bombay) Act No. I. of* 1865), said there were two verbal alterations that were necessary in the Bill. In Section XVI., line 2, the words were, "Section XLV. of Act I. of 1865 is hereby repealed." It should be "Section XLV. of (Bombay) Act," &c. The same amendment had to be made in Clause 3, line 58, of Section XVII.

Bill read a third time and passed.

These amendments were made, and the Bill was read a third time and passed.

BOMBAY.

ACT No. IV. of 1868.

Passed by the Governor of Bombay in Council.

[*Received the assent of the Governor of Bombay on the 4th December* 1868, *and of the Governor General on the* 11*th January* 1869, *and published by the Governor of Bombay on the* 28*th January* 1869.]

An Act to make further provision regarding the application of (Bombay) Act I. of 1865 *to Towns and Cities; and to restrict the application of (Bombay) Acts II. and VII. of* 1863 *in Towns and Cities, and otherwise to amend (Bombay) Act I. of* 1865.

Preamble.

Whereas it is desired to make further provision regarding the application of Bombay Act I. of 1865 to Towns and Cities, and to restrict the application of (Bombay) Acts II. and VII. of 1863 and I. of 1865 in Towns and Cities, and otherwise to amend (Bombay) Act I. of 1865: It is enacted as follows:—

Bombay Act I. of 1865 applicable to Towns and Cities.

I. (Bombay) Act I. of 1865 is hereby declared applicable to Towns and Cities.

(Bombay) Acts II. and VII. of 1863 not to be applied to Towns and Cities except so far as is provided in this Act.

II. (Bombay) Acts II. and VII. of 1863, except in so far as they repeal former Regulations, shall not after the passing of this Act be applied to Town and Cities except so far as is provided in this Act.

Assessment on lands in Towns and Cities may be fixed for a term of years or in perpetuity.

III. Subject to such rules as may from time to time be prescribed by Government, the Assessment on assessable lands in Towns and Cities, whether imposed under (Bombay) Act I. of 1865 or any other Act for the time being in force, may be fixed for a term of years or in perpetuity, anything in Section XXVIII. of the (Bombay) Act I. of 1865 notwithstanding.

Titles in Towns and Cities confirmed.

IV. The existing right of occupancy of all lands in Towns and Cities is hereby confirmed so far as the interest of Government is concerned, only excepting the case of encroachments, as provided for in Section VIII. of this Act.

Collector to confirm existing exemption from the payment of Government Land Revenue in the following cases.

V. *Clause* I.—In Towns and Cities the Collector shall, on the application of the owner or occupant, confirm existing exemption from the payment of Government land revenue in the following cases; that is to say :—

1*st*.—In any Town or City where there has been in former years a survey which Government recognize for the purposes of this Section, all lands shown in the Maps or other records of such survey as being held wholly or partially exempt from the payment of Government Land Revenue.

2*nd*.—In any Town or City all lands shown on summary inquiry before the Collector to have been held wholly or partially exempt from the payment of Government Land Revenue for a period of not less than 5 years before the application of (Bombay) Act I. of 1865 or of this Act to such Town or City.

3*rd*.—In any Town or City, lands, for whatever period held, shown on summary inquiry before the Collector to have been held partially or wholly exempt from payment of Government Land Revenve under a deed of grant or of confirmation issued by an officer whom Government recognize as having been competent to issue such deed.

Clause II.—A Sunnud from the Collector certifying that one or other of the conditions above stated has been fulfilled shall be sufficient proof of a right to exemption, and such Sunnud shall be produced by any occupant making application under the preceding Clause.

Sunnuds proof of exemption.

VI. In any Town or City all other lands, not coming within the provisions of Section VII. of this Act, which have been held for a period of less than 5 years preceding the date of the application of (Bombay) Act I. of 1865 or of this Act to such Town or City, will be liable to be assessed to the full amount of the Survey Rates, and if such lands have been held for a period of less than two years preceding the said date, the holder will also be liable to pay the occupancy valuation to be determined according to the rates prevalent in the immediate neighbourhood.

Lands in Towns and Cities held for less than 5 years how dealt with.

VII. Nothing in the two last preceding Sections shall be held to be applicable to those lands within the limits of any Town or City which have hitherto been held wholly or partially exempt from the payment of Government Land Revenue and used for cultivation only. Such lands shall be dealt with in the ordinary manner under (Bombay) Acts II. and VII. of 1863: Provided always that such portion of the land as may hereafter be built upon shall become subject to payment of one-eighth of the rate fixed for land used for building purposes.

Cultivated lands in Towns and Cities excepted.

VIII. In Towns and Cities any land, proved on summary inquiry before the Collector to be an encroachment on any public street or thoroughfare, may be taken possession of by the Collector, unless such land is shown to have been held for a period not less than 12 years. It shall be lawful for the Collector to clear such land by the removal of any buildings or other obstructions, in the event of the owner, after receiving written notice of not less than one month, failing to do so himself. When land is taken possesssion of under this Section reasonable compensation shall be given to the owner in respect of all buildings, if such buildings are proved to have been erected previous to the application of (Bombay) Act I. of 1865, or of this Act: Provided always that it shall not be necessary to give compensation in respect of the removal of door-steps, benches, or other similar projections of whatever material; and provided also that in the case of the owner not accepting the sum tendered as reasonable compensation by the

Encroachments on public roadway how dealt with.

Compensation for removal of Buildings.

Proviso.

Collector, compensation shall be fixed under the provisions of Sections 10 to 31 of Act VI. of 1857.

Survey Officers may enter on premises for purposes of measurement, &c.

IX. In Towns and Cities to which (Bombay) Act I. of 1865 or this Act has been applied, it shall be lawful for any duly authorized Survey Officer to enter when necessary for the purposes of measurement, fixing boundaries, or for any other purpose connected with the Survey and Settlement, any lands or premises, whether belonging to Government or to private individuals and whether assessed to the public revenue or not: Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than 7 days before such entry; and provided also that in the case of buildings of all descriptions due regard shall be paid to the social and religious prejudices of the occupiers.

Proviso.

Sunnuds to be granted.

X. It shall be the duty of the Collector, after inquiry, to issue, under his hand and seal, to each owner or occupant in any Town or City to which this Act shall be made applicable, on application, a Sunnud or Sunnuds specifying, by plan and description, the limits and tenure of such person's holding. The fee for such Sunnuds shall be fixed by Government, and shall not exceed Rupees 5 for each survey number.

Roads, lanes, and unoccupied spaces vest in Government.

XI. In Towns and Cities all roads and lanes and all open spaces not in the occupation of any person, and not proved to be the property of any person, vest in Government; and it shall be lawful for the Collector, subject to the orders of the Revenue Commissioner, to dispose of them in such manner as may be authorized by general rules sanctioned by Government, with due regard to common and pasturage rights and not so as to deprive any householder of a thoroughfare to his house without reasonable compensation.

Powers of Collector, Deputy Collector, and Assistant Collector.

XII. Any or all of the powers which under this Act may be exercised by a Collector may by him be delegated in writing to any Assistant or Deputy Collector, or any Survey Officer of not lower rank than a Sub-Assistant Superintendent of Survey. Any Officer thus empowered shall in respect to Section VII. of this Act exercise all the powers of a Collector under (Bombay) Acts II. and VII. of 1863; but all his proceedings shall be subject to review by the Collector himself. The Collector, or

any Assistant or Deputy Collector empowered as above, shall for the purposes of inquiries under this Act, exercise the powers of a Survey Officer under (Bombay) Act I. of 1865.

Maps and land registers open to inspection.

Extract shall be given.

XIII. The maps and land registers of the Survey and Settlement in Towns and Cities shall be open to the inspection of the public at reasonable hours; and extracts from such maps and registers shall be given to any applicant on payment of such fees as may be prescribed by Government from time to time.

Section XIV. of (Bombay) Act I. of 1865 amended.

XIV. In Towns and Cities, in cases in which separate boundary-marks are not erected, the period of six months for appeal under Section XIV. of (Bombay) Act I. of 1865 shall be reckoned from the date of the decision of the Officer fixing the boundary being communicated to the parties concerned, and such appeal shall be made to the Collector.

Persons when legally bound to attend, and produce documents.

XV. Any person whose attendance shall lawfully be required by general notice, or by summons under Section 10 of (Bombay) Act I. of 1865, shall be legally bound to attend in person or by agent in obedience to such notice or summons. And any person who shall lawfully be called on, under Section XIV. of (Bombay) Act I. of 1865, to produce any document for inspection, shall be legally bound to produce such document.

Section XLV. of Bombay Act I. of 1865 repealed.

XVI. Section XLV. of (Bombay) Act I. of 1865 is hereby repealed.

Rules for partition of an estate paying revenue to Government.

XVII. *Clause* I.—In case of a decree of a Civil Court for the division of an estate under Section 225 of the Civil Procedure Code, or by any other process of law, the following rules shall be enforced by the Collector for the partition of an estate:—

Rule 1.—The estate shall be divided according to survey numbers, or recognized shares of survey numbers, as far as may be possible without dividing any number or recognized share of any number.

Rule 2.—When the decree cannot be equitably executed without the sub-division of a number or recognized share of a number, the Collector shall sub-divide any number, or recognized share of a number: provided that no number or recognized share of a number shall be made of less extent than a minimum to be fixed from time to time in each district, for the several classes

of land, by the Commissioner of Survey and Settlement, with the sanction of Government. A record of the minima fixed shall be kept in each Talooka Kutcherry and shall be open to the inspection of the public at reasonable hours.

Rule 3.—The decree of the Court having been carried out, so far as may be, by assigning to the several parties concerned numbers and recognized shares of numbers, and newly sub-divided numbers and recognized shares of numbers, to such extent as sub-division may be permissible without infringing the foregoing proviso, the Collector shall, in respect to any number or recognized share of a number which may remain unassigned and undivided, refer to the Court giving the decree, and according to the decision of the Court he shall either transfer such number or recognized share of a number undivided, to any party named by the Court, or sell it undivided, with its rights and liabilities, and pay over the proceeds as the Court may direct.

Sub-division at revision of survey and settlement.

Clause 2.—At the time of a revision of survey and settlement it shall be lawful for a Survey Officer to make a sub-division of a number or recognized share of a number, subject to the proviso in Rule 2 in the preceding clause:

Proviso.

provided always that no such sub-division shall be made without the consent of the occupant.

(Bombay) Act V. of 1862 not affected by this Section.

Clause 3.—Nothing in this Section shall affect the provisions of (Bombay) Act V. of 1862.

XVIII. *Clause* 1.—Whenever there are sharers in an estate held on Talukdaree tenure in Guzerat, and the sharers being agreed as to the proportion of their respective interests in such estate, a majority of the sharers represented by those whose interest extends to more than one half of the entire estate consent to a division, it shall be lawful for a Collector or Officer empowered by him to divide the lands of such estate according to the proportion of the interest of the several sharers therein, the rules in the last preceding section being duly observed.

Division of lands of an estate having sharers and held on Talookdaree tenure in Guzerat.

Clause 2.—The cost of division and demarcation of shares shall be recoverable as a revenue demand in proportion to their interest from all the shares in the estate divided.

Cost how recovered.

Notification extending Act I. of 1865 to an alienated village shall show by whom the power or duties incident to the provisions extended shall be exercised.

XIX. Whenever by virtue of Section XLIX. of (Bombay) Act I. of 1865, Government shall extend by Notification all or any of the provisions of the said Act to any alienated village, it shall be lawful to direct in such Notification or in any subsequent Notification by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and also in such Notification to introduce any other directions which may be deemed requisite for carrying such provisions into operation in the place to which they are extended.

Section LI. of (Bombay) Act I. of 1865 repealed

XX. Section LI. of Bombay Act I. of 1865 is hereby repealed.

Interpretation clause. "Towns and Cities."

XXI. The words "Towns and Cities" shall for the purposes of this Act, include all lands in Towns and Cities within such limits as Government shall from time to time notify, and no others.

"Lands."

The word "Lands" in this Act, and in (Bombay) Acts II. and VII. of 1863, and I. of 1865, shall include land and things attached to the earth, or permanently fastened to any thing which is attached to the earth.

"Village."

Whenever (Bombay) Act I. of 1865 is applied in Towns and Cities, the word "Village" in that Act shall be held to include Towns and Cities.

Act not to apply to the City of Bombay.

XXII. This Act shall not apply to the City of Bombay.

Short Title

XXIII. This Act may be cited as the "Act for City Surveys and amendment of Bombay Survey and Settlement Act, 1868"

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